App F IX 4

Previous References

1947-48
(ML)

File No 125-47
Serial Nos 1/2 45

Later References
ML 91-48 (B,R)

GENERAL AND REVENUE SECRETARIAT

Serial Nos 24

Part B for March 49

SUBJECT

Alleged misappropriation of Municipal Funds by Sri M Srinivasa Setty, Vice-President Maddur Town Municipality

To The D C, Mandya Dt
No L 10156/D 9-3-49
Orders the withdrawal of the prosecution

To The D S P, Mandya Dt
Memo No L 10157/D 9-3-49

RSO

PR 6/47-8

Alleged misappropriation of Municipal Funds at Maddur

Subject

On receipt of information that certain amounts, being the value of sites sold by the Municipality, received by the Vice-President during the months of May and June 1947 had not yet been credited to the Treasury, the Minister for Revenue and Communications paid a surprise visit to the Maddur Town Municipal Office on the afternoon of 21-8-1947 along with the Special Officer for Efficiency Audit and the Deputy Commissioner of Mandya District and checked the General Cash Book and other account books including the receipt counterfoils in the office Three receipts numbered 1609, 1615 and 1617, issued during the months of May and June 1947 to Messrs Ramiah, Venkataramaniah and Siddappa for a sum of Rs 500/- each, being the value of the sites purchased by them, had earlier been produced before the Minister, ~~for Revenue~~ and these were compared with the counterfoils in the receipt books in use in the office It was found that there were counterfoils available in respect of these three amounts, but it was found on reference to the General Cash Book as well as the Petty Cash Book that none of these amounts had been taken on to them, nor credited to the Treasury (as could be seen from the Remittance Register and the Pass Book) It was further seen from the original receipt book that there were two more receipts -- one numbered 1618 dated 28-6-1947 issued to one M K Narasimhasetty for Rs 500/-, also being the site value, and another numbered 1619 without any date

but

2

but which was ~~written~~ in favour of one K L Bhima Rao, for Rs 50/-, being the compounding fee in respect of some jaggery smuggled into the Municipal limits ~~and it was found that these~~ ~~were~~ amounts which had not also been credited to the Treasury It was deduced from a slip placed in the receipt book that the amount of Rs 50/- referred to above should have been paid on 30-6-1947 It was thus seen that a total amount of Rs 2050/- for which receipts had been issued by the Vice-President on various dates from 17-5-47 to 30-6-47 had neither been taken on to the cash book at any time nor credited to the Treasury The General Cash Book had not also been written up for the whole of the current month

2 In view of the above, it became clear that there was a misappropriation of Municipal Funds to the extent indicated above by the Vice-President, and that possibly further amounts for which receipts had been issued previously ~~xxx~~ or which had been received but for which receipts had not been ~~xxxxxxx~~ issued might not also have been credited to the Treasury It was gathered that no audit of the accounts of the Municipal Office had taken place for the last two years The Minister therefore directed that firstly, the relevant records and documents of the Municipal Office may be ~~ceased and kept in the~~ custody of the Deputy Commissioner for further investigation in regard to the misappropriation, and secondly, that an audit of the Municipal accounts may be immediately undertaken with special ---

3

special reference to the credits to the Treasury of amounts for which receipts had been issued Accordingly, the three receipts produced before the Revenue Minister as well as the corresponding counterfoils of the receipt book were initialled by the Special Officer for Efficiency Audit under date 21-8-47 and handed over along with the General Cash Book, Petty Cash Book, the Remittance Register and the Pass Book, to the Deputy Commissioner The Amildar, who is the president of the Municipality and who was present at the time of the inspection, was instructed to take charge of all the documents and books of the Municipal Office so that they may be available for ~~xxxxx~~ ready investigation and examination whenever needed and may not also be tampered with in the meanwhile It was reported by the Amildar before the Minister left Maddur that the room in which books etc , ~~xxx~~ had been kept had been locked and sealed by him and the keys and the seal kept with himself for future necessary action In regard to the audit of the accounts as instructed by the Minister, one of the auditors of this Branch (Mr Britto) is being deputed immediately with suitable instructions to examine the entire series of credits to the Treasury with reference to the receipt books, cash books, pass book and the remittance book during the years 1945-46 and 1946-47 and also up to the date of audit - A further report will be submitted on receipt of the report from the Auditor as to the state of affairs disclosed by his audit

Minister R-e)

22 8

4

Seen

Mr Bruton may be asked to
appear a list of the report, & all
amounts realised but not credited
to the treasury, indicating briefly the
nature of the item, the amount realised,
the date on which realised, whether
there are contributed receipts for the
same, who has signed or initialled the
Counterfoil or

OFFICE OF THE PRINCIPAL
FOR REVENUE
No 2080
Dat 22-8-47

22/8/47

22-8-47
25/8

5 Instr issued to the Auditor
accordingly
25/8

6 An interim report submitted by the
auditor, stating that the checking so far conducted
has disclosed the non remittance of a sum of
about Rs 633/- besides the amount already referred to
and adding that the completion of the work may
take the whole of to-day and possibly a portion of
to morrow, is put up herewith for kind perusal
A further report will be made on receipt of
the completion of the audition work

Munsiff RDC)

25-8-47

7 25/8

26/8

PR 6/47 8

Alleged Misappropriation of municipal funds at Nadgam

3

Subd.

8 The report submitted by the auditor after an audit of the accounts of the municipality is placed below, together with two statements - one giving the amounts that could be stated to have been misappropriated by the Vice-President and the clerk of the municipality and the other a statement of short remittances to the treasury It is seen from the report and the appendices that out of a total sum of Rs 2,633/- that can be considered to have been misappropriated, a sum of Rs 2,500/- represents the amount for which the Vice-President has passed receipts himself, and the remaining amount for which the clerk Mr P Vedadri has signed receipts, though apparently without any sort of authorisation for doing so While strictly speaking the above-mentioned amounts might respectively be put down as the sums misappropriated by the ~~respective~~ concerned persons, it may perhaps be said that both the Vice-President and the clerk are jointly and severally responsible for the entire misappropriation, For, even in regard to the amounts for which the Vice-President alone has passed receipts, the clerk must have been well aware of the collection of the amounts and failure to remit them to the treasury, and On the other hand in respect of the amounts for which the clerk has himself ~~alone~~ passed receipts, it seems very likely that amounts were handed over to the Vice-President and not credited by him to the treasury nor brought on to the cash book by the clerk

12 Yes He is expected to check the receipt books before making the cash book entries

9 Besides the above-mentioned amounts for which receipts have been given but which have not been remitted to the treasury, there are other items listed in Appendix B totalling up to a sum of Rs 46-3-4 which

which have been collected and not remitted to the treasury either owing to mistakes in calculation or owing to a definite emission on the part of those concerned to do so Out of this amount of Rs 46-3-4, the failure to remit a sum of Rs 19-10-6 must be put down as misappropriation on the part of whichever official is unable to account for it, while the short remittances in other cases need perhaps be considered only as an irregularity which could be remitted by due and prompt remittance of the amounts at least now

10 The action to be taken against the concerned persons viz , the Vice-President and the clerk in the above circumstsnces will be for consideration Both are to be deemed public servants within the meaning of Section 21 of the I P C , under the provisions of Section 45 of the Town Municipalities Act and as such would come under the provisions of Section 409 I P C in case the charge of misappropriation is brought home to them Besides, under section 23(11) of the Town Municipalities Act, a President or Vice-President of a Municipal Council shall, after an opportunity is afforded for hearing him, be removable from his office as such President or Vice-President by the Government for misconduct in the discharge of his duties

It is reported by the Auditor that the entire sum of money that could be considered as having been misappropriated was tendered by the Vice-President before the Amildar-President, and was received by the latter for remittance to the treasury, on 26-8-47

The

11 The receipts produced before the Minister, as also the release order(dated 30-6-1947) by the Vice-President in respect of jaggery (~~a~~ subject matter of one of the receipts whose amount has been misappropriated) are also attached to the report placed below

2527
1/9/47

Matter Rec)

13 The D.C may be asked to place the matter in the hands of the Police for needful action according to law. The conduct of the V.P is reprehensible & it would create a wrong impression if action under the Criminal law is taken when such glaring instances of misappropriation of public funds come to light -

14 The immediate ~~the~~ clerk - Sri Vedadri should be kept under suspension immediately & he should also be proceeded against as an abetter -

1/9/47

15 Revenue wise I may write a D.O. to D.C. asking him to examine the explanation of the V.P & the clerk concerned & submit his comments within a week - After receipt of the same further orders thereon, action may be taken as suggested in the ~~note~~ minute above - A copy of the note submitted by the Minister may be sent to D.C for information & framing of suitable charges for obtaining explanation of the V.P & the clerk

16 Draft
Issue Memo
D.O.
4/9

2/9

3/9

OFFICE OF THE MINISTER FOR
REVENUE AND COMMUNICATIONS

194

Order

No P 5887/78 -194 7

Name of Petitioner V Ramanathan - Madduur town

Village

Taluk

District

Date of Petition 6th August 1947

Date of Receipt

No of Enclosures

ABSTRACT

(17) States that the Vice-President of Madduur Municipality has failed to credit into the treasury the deposit amounts received by him on 28th June 1947 duly receipted by him, that he has also not credited Rs 250/- to the ~~head of~~ fund Municipal High School realised out of a benefit ~~performance~~ Show given by Siddathaya Talkies

As the petitioner fears that justice will be denied if the petition is sent to the DC, he requests that an officer of the Efficiency Audit Dept be sent for investigation

To
The D C Mandya Dist
No C 2504/12-8-47
Calls for a report in the matter

13/8

18

7/8/47

7/8/47

A
P R 6/47

17)

Submitted for orders as to whether the matters referred to in the petition may be investigated by this Branch - Or is a most point, however if the jurisdiction of this department extends to the undertaking of investigation pertaining to local bodies [A copy of the GO defining the scope of work of the E A Branch is attached for reference]

OFFICE OF THE MINISTER FOR REVENUE
No 1752
Date 11 8 47

Minister Rev)

18 Aug

20) May be sent confidentially to the DC to personally look into the matter and send a report

Rev 18)

REV SECRETARIAT
961
12 AUG 1947
G.O. BRANCH

11 (P/47) 12/8

21) Dft D.O. sent through personal reference of even date from 14/8/47

To
The D C Kanaya Dist
No L 2504 B/12 8 47
calls for a report

Sec C W
13/8

From
D C Kanaya Dist
DO no As-356/47-48 (file)
dt 1-10-1947
Forwards a Copy of the Report-

22) The report received from the D C Kanaya District is for perusal and orders

23) As directed in this Office letter o 57 dated 5th Septr 1947, charges have been got framed by the D C against the Vice President and the clerk on the basis of the Audit Report and their explanations ~~original~~ obtained They are enclosed in original

24) The Deputy Commissioner considers that it is a clear case of misappropriation on the part of the Vice President and that the clerk also guilty of abetment of the offence for reasons mentioned by him

25) Mr Srinivasa Setty has tendered resignation of his Office of the Vice President on 30th September 1947 The D C recommends that it may be accepted and the matter closed He considers that, as the full amount has been recovered and credited to the Treasury, an order of removal or

prosecution would be too hard in view of public services he has rendered and has been rendering

26 Under Section 13 of the Town Municipalities Act, 1933 the Vice President may resign his office by giving notice in writing to that effect to the President and as such resignation shall take effect from the date of the notice It is now addressed to the Deputy Commissioner, Mandya District Whether the D C may be asked to return it to the President for action as per provisions of the statute is for orders

After may be taken as per rule

27 As regards the clerk who is placed under suspension, he states that he is taking separate action to terminate his services as he is only a local candidate

28 For orders with reference to paras 13, 14 and 15 supra

Minister for Rev & Coms

8

7/10/47

— a) The explanation of Mr Srinivasa Setty. The clerk is unacceptable There is clear misappropriation of municipal funds for the date the amounts were received & till they were credited to the heavy delay ranges from two to three months of a simple inquiry would not been made. It is alleged that the amounts would not have been credited at all or credited after further delay The clerk has clearly admitted the offence as he has failed to note the credit in the accounts, though he was aware that the amounts had been received There is no extenuating circumstance & the plea put forward that no serious notice of the misappropriation need be taken in view of the public service rendered a being rendered by Mr Srinivasa Setty cannot be accepted Both Mr Srinivasa Setty & clerk Venkata may be prosecuted This will have wholesome moral effect on all persons, whether official or non-official who handle public moneys

8 14/10/47 14/10/47

11

30) Dft Do letter putting accepts
receipt from
14/10/47

31) For perusal before
issue
Minister
Rev Comm

16/10/47

32) 17/10

20/10

33) Typeature
Finished

To

The Dy Manufacturer
Now Do 65 dtd 21 x 47
Regrets him to take action to prosecute
but must remind self & the clerk Vedavati
to submit a report of action taken for the
information of Govt

To the Special Officer. Effecting search
now 66 dtd 21 x 47
for acceptg to above for information

The respective letter
I am submitting herewith
sent separately to the
Manufr as per order &
herewith submit for necessary
27/11/47

34) The then Minister for Commerce is pleased to order as per the note in connected file that the respondent may be sent to the Magistrate for action according to provisions of the statute

35) DSP letter is necessary putting

36) Typewritten

6/11/47

TYPING SECTION
6 NOV 1947

From
The Deputy Commissioner Mandya Dt
No A 5-356/47 dt of 2-12-47

States that a case under Sec 409 IPC has been registered in Crime No 50/47-48 of the Maddur PS against the Vice President and the Municipal office clerk and that the investigation is proceeding He has also sent a cutting from "Varthe" of 14-11-47 on the Budget

37) The Report of the DC a few days perused the DC denies the allegations in the newspaper of the Urgent to delay action against the accused persons at any stage However his prerogative Recommendation that no

2372/ne 0 2950/ne

Serious notice may be taken of the recall/reprimand
was not accepted by Court, and as per instructions,
action has been taken to launch prosecution
against the delinquents

38) As the matter is now on the hands
of the police, no further action appears to be
called for now except to watch the progress
of the case

39) Refer for perusal and orders

Seen 6/12/97 40) The matter was heard
on the request for adjournment
as the respondent was absent
Counsel, resolved on 13.11.97 that,
he rendered unconditional service
prosecution proposed to be launched against
him may be stayed upon a request
accordingly we move to the Court this is

Flag I

D-C

41) Mr D-C has not furnished any
opinion thereon. He has stated that
a case under Sec 409 I.P.C
has been registered against the two
persons by Mr M Sreenivasa self-(illegible)
of Mandya Town PS of the clerk

295/L 14

and that necessary further action to complete the investigation etc has been taken in this connection

Kind reference is invited to the ruling from the Varthe dated 14/11/47 under the caption "Report of S"

flag "J"

42) The D.C's report is submitted for perusal with reference to para 29 & 32 supra

Ramsey 11/12/47

43) For perusal

20/12/47

THE MINISTER FOR LOCAL SELF GOVERNMENT
No 788
Date 20 12 47

Minister
of S.G

44) There are no grounds to reconsider the orders already passed at para 29 supra Action may be taken immediately to launch prosecution

17/12/47

11/12/47

45) Subd
The DC Mandya has reported in his letter no HS 356/47-P, dated 21 47 that a case under Sec 409 IPC has been registered
A draft by the DC is put up that the case P 13-2-48 may be proceeded with
P

46) For perusal before issue

Ramsey 17/2/48

Re Alleged misappropriation of Municipal funds by Mr M Srinivasa Setty Vice President Maddur Municipality

From

The Dy Commr, Mandya District

No MS 356/47 48 dated 15 1-48

Forwards the applications presented by Mr M Srinivasa Setty and seven Municipal Councillors requesting that the prosecution proceedings against Mr Srinivasa Setty may be dropped

4-7) The petitioners aver that the delay in the Resignation of the accused was not caused by any intention on their part but merely for accommodating certain decent persons of the town, that the prosecution is malicious and ordered at the instigation of a few persons inimically disposed towards Mr Srinivasa Setty and that the requests that the prosecution proceedings may be dropped The D C has forwarded the petitions for the consideration of Govt

4-8) Another petition dt 10 1 48 presented by Mr Srinivasa Setty to the Rao Sahib on the subject is also put up

4-9) The Matter has been submitted to the Minister for L S G for orders

16 4039/ml 04144/ml. ~~4039~~

Alleged misappropriation of Municipal funds by
Mr. M Shanmugam Selvi Vice prdt Maddalur town mlty

On 28 12 48 with D no 2950 and three
petitions are submitted for Contravention for undergo

Accs
19/1/48
By 19/1/48 SD Reverify from
the main file on the subject has
already been submitted to the
Minister L.S.G. for orders
19/1/49

Minister
L.S.G.

20/1/49
pm

SD The draft letter submitted in accordance
with the orders of the Minister for
L.S.G. at para 4 above, is submitted
for approval

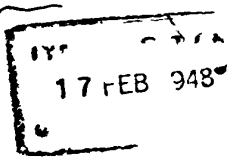
Reverify) 17/1/49

SD ~~Draft~~ Approved

Minister
L.S.G.

16/2/49 pm

To the D.C. Madras
No L 13629 Dt 19 2 49
Directed that the prosecution may be
proceeded with and proper periodically
Reported



Secs A-25-2-49
pm

Thro

The I class Magistrate Mandya

No 5811/47-48 dt 23 3 48

Requests the production of certain

documents

5&3) Copy of the I class Magistrate's order forwarding the explanation of the two accused persons and the application of Mr Srinivasa Setty offering to pay up the misappropriated money & put up copy of the letter & also copy of the Bank to the Secy. office every audit to decide Secy to the Court the original audit Report of Mr Bull

(Rs 9/4/48) Issue and return Prayer

To

The First class Magistrate
Mandya
L 15743/9-4-48
Sends the Records
L 15744 copy to
55) For perusal & appl & Returns Audit Officer
Rev Accts for information
Rev Accts) For Govt
B/11/48

18

EA 426 / 47 us / 9m 1/7th

4039 / 3894 mk / 6688

56) Retransmitted wc

(Post dg Municipality) 4 6 48

2n cg Fr 16/7/48 57)

Sus A 27/4 cg

From The Deputy Commissioner
Mandya District, Mandya

Letter No A5 356/47-48 dated 30-4-48

Submits copy of letter dated 20 4 48 received from the D S P Mandya reporting the progress made in the case

58) Solid In the circumstances stated in the letter dated 20 4-48 from the D S P Mandya, the further reports promised may perhaps be awaited } yes

59) The admissions report now received is for perusal

new secy) Fr 7/5/48

dtor 7/5

Dtor 7/5

THE DISTRICT OFFICER
LOCAL SELF GOVERNMENT
No 2538
Date 8-5-48

60) 8 10/5 Fr 8 18/5 Fr 18/5/48

61) Re 11/5/48

62) A draft letter to the DC Mandya, asking for a report of the further progress in the case is put up Fr 21-5-48

63) Approved 24/5/48

Sus A 20/5/48

6688/ms √ 1593/ms

19

Mis appropriation of Municipal funds ex Madikeri Town Municipality

Proceedings

The Dy Commr Mysore Dt

No A 5- 356/47 48 Dt 16 8 48

State that the accused were charged ~~Charged~~ by the 1st class Magistrate Mysore

- 1

(a) Further proceedings may perhaps be withheld. (b) For perusal of the Rs 26/8 Rs 26 & 4r above report

Received 27/8/48

27/8/48

2251/17/1

OFFICE OF THE MINISTER FOR LOCAL SELF GOVERNMENT

No 970

Dt 28/8

L.S. Dt

(b) 6/9/48

28/8/48

7/9

(a) Pl await further report. 7/9/48

Sec A 9 9 48

20 1593/mc V8149/mc V4092/mc

Misappropriation of Municipal funds in Maddur Town Municipality

From

The Dy comm., Mandya Dt

No A 5-356/47-48 dated 6 9 48

Furnishes a report of further progress in the case

69) Further proceedings will be posted

Case 21/9/48 for report

69) For perusal

[illegible] 21/9/48

[illegible] 23/9/48

70) [illegible] 22/9/48

[illegible] 30/9

OFFICE OF THE MINISTER FOR LOCAL SELF GOVERNMENT
No 1451
Date 6 OCT

petition dated 18 11 48 from Sri N Srinivasa Setty A 9 11 48

Vasa Setty - Ex Vice President - Maddur to the Minister for L S G for orders of withdrawal of prosecution launched against him

Orders of the Minister

71) please examine this Case in Consultation with the Law Secretary and put up a note Let me know whether there are any

Misappropriations of Municipal funds in Madras Town Municipality

proceedings or whether it is necessary to take under law to withdraw the case"

(Sd) R C
18 11 48

4173/L

72) May the matter be referred to the Law Secretary for his remarks, as directed above

Mem 4/12/48

Rewsey 4/12/48

5620/6/12

73) Are there any Precedents?

6/12/48

6/12/Mem

74) There are no such precedents in the Municipal Branch.

Mem 6/12/48

75) Files relating to withdrawal of Cases launched against untouchables are dealt with in the Protection Branch, as it is purely the District Magistrate who makes such recommendations or to whom orders for such withdrawal are purely issued

Rewsey 7/12/48

5756/7/12

GENERAL & REVENUE SECRETARIAT

7-DEC-1948

76) Reference - para 72 supra

Law Secy W/C

7/12

7/12

7/12

22

4173
law

5382
p48

781 Question relating to
unfair dismissal ? prosecutions we deal
with in the Protection branch
There are several precedents
in that branch This may
be sent to Head Br

3319
9/12

Jr
8/12

Law Secy)
781)
Nurs Secy)
WC)
Prof n/Br)

SK
9/12
Ka/12

9/12

Pol

10/12

C F 74]

Routine Notes

7.26

[To be used only for notes requisitions etc not intended for permanent record]

Urgent

5383

81) The LCe bearing D no. 46092 mle. Relating to the withdrawal of prosecution against Ex Insp. Madden Town Council ~~Corporation~~ Municipal Borough Council on 9-12-48 may kindly be returned. Minute Sheet No 29/1 of the Prosecutions putting up certain cases (precedents)

Attd reg. prosecution

29/1/49

MS

31/1

Called the previous reference 5383 has been returned to the Boro Clerks Dept. This may also be returned to him

DC 2-49

N B.—Should routine notes be written on small slips the notes must be copied or slips pasted on this form

22

C F 74]

\ D 0978—GPE—100 pad f 10 000 h t each—23-10-42

Routine Notes

[To be used only for notes requisitions etc not intended for permanent record]

\ B —*Should routine note be written on small slips the notes must be copied or pasted on this form*

prayer for withdrawal of prosecution by Sri Narasaiah - Encl papers
Maddur Town reg

5691/Law

82) The hearing file bearing
21 of 33 & 111 of 32 re
misappropriation of Govt funds
in the Branch
have not been received &
evidently they are transferred
to the Law Branch
for withdrawal

83) No precedents relating
to the withdrawal of cases of
misappropriation of Govt funds
are available in the Section

15/2/49

84) Misappropriation of Forest
funds by the Vaikkam Range
Forest & prosecution withdrawn

85) File as not traced

86) 4/2/49 If approved the file will be returned to the LB, as they have once asked for the return of the file, stating that precedents are not traced

Asst Secy
Nehru

87) The protection branch has noted that precedents are not traced

88) The file may be referred to the Law Branch for opinion as to whether there is sufficient evidence to withdraw the prosecution - Ref para 71 Supra

4/2/49

89) 4/2/49

90) 7/2/49

SECRET FILE LEFT
7 FEB 1949
GOVT

Law Secy

7/2/49

91) It would appear that such matters were dealt with in the past in the prosecution Branch

92) It is however submitted that section 494 of the Code of Criminal procedure provides for the Withdrawal of prosecutions.

93) Under that section any public prosecutor may with the Consent of the Court, in cases tried by jury, before the return of the Verdict, and in other cases before the judgment is pronounced, withdraw from the prosecution of any person either generally or in respect of any one or more of the offences for which he is tried

94) One stray case of Withdrawal of prosecution has been traced to the Law Section It is seen from the Law file 163-39-1-3 placed below that criminal cases filed against one Ct Shamanna were withdrawn on the strength of Asst Magistrate's Inspection

95) Reference is invited to this office letter Dy 2-7-1940 to the DM Mysore Communicating the decision of Govt re the Withdrawal of the case referred to above Reference is also invited to the discussion on pages 3 and 4 of the Law file 163-39 placed below The Regr of C S had also no objection for the Withdrawal of the case on the occasion

E

C.

B

5691 Withdrawal of prosecutions

4092 Submitted with reference to the Minute of the Minister for D S G on the memorial of the petitioner

H of A Cl 88/2 96) It is submitted (X) that the Dewan has been pleased to direct that the Cases of Withdrawal of prosecutions Should be Considered at a council Meeting Extracts from the Dewans Minute are Ad

A Cl 91/2 97) There is no legal bar to withdraw any prosecution the P P has to be guided by suitable instructions in the matter

P 21/2

Law Secy) 98) There is no bar under Law to withdraw the prosecution Discretion vests in the Executive to withdraw a criminal case The question is whether a decision is to be taken at a Council meeting as per the minute of the Dewan

SECRETARY LAW DEPARTMENT 8425 21 FEB 1949 GOVT OF MYSORE

23/2 23/2/49 Minutes Secretary

Genl Secy WC) 1889 24/2/1

P 22/2

99) The information re the precedent, the legal opinion and the point about the procedure furnished in paras 94 to 98 supra are for perusal with reference to the minute of the Minister for D S G in para 71 supra

24/2 Pr 24/2/49

100) For orders

Yr obdt Servt 24/2/49 Genl Secy) 24/2/49

Serial No

101) It is ascertained from the Protection Branch where questions relating to withdrawal of cases launched against individuals are dealt with that no such precedents are traceable (Vide paras 83 and 85 supra)

102) The Law Secretary has expressed the opinion that there is no bar under the Law to withdraw the prosecution and that Section 494 Cr P C provides for such withdrawal before the judgment is delivered Discretion vests with the Executive to withdraw a Criminal case The precedents in C C Nos 639-640 641 and 642/39-40 on the file of the City Magistrate Mysore are also quoted

Law-163-39-1+3 Flag "C"

103) Reference is invited in this connection to the penultimate para in the Mandya Deputy Commissioner's letter* dated 1-10-47 wherein it is suggested that the full amount involved having been recovered and credited to the treasury an order of removal or prosecution would be too hard considering the public service the gentleman is doing and is always willing to do The Deputy Commissioner in his letter* dated 2-12-47 has again referred to the resolution of the special meeting of the Maddur Town Municipal Council held on 13-11-47 recommending that in view of the public service that is being rendered by Sri M Srinivasa Setty the Government may be moved to reconsider their order directing prosecution and to sanction withdrawal of the case

'T"

"Z'

104) The Dewan has been pleased to minute on file bearing D No 6085* re withdrawal of prosecutions against Sjts Swami Gowda and Narilinge Gowda that such

"A"

Note — Contn Sheet

withdrawal of prosecution against Sri Srinivasasetty - Ex Vice president Madden lower Kanagapalle

28 File No 4092/MC of 194 — General and Revenue Secretariat

Serial No

such cases should be considered at a Council meeting

105) It is seen from the records that Sri Srinivasa Setty has been prosecuted and the case is proceeding. He has been repeatedly requesting for the withdrawal of the case against him. He has already suffered mental agony during the past several months and this would itself be an adequate punishment for a person of the status and locus standi of the petitioner

106) His request for withdrawing the prosecution case against him deserves consideration

Reference Para 71 Supra

Office of the Minister for Local Self Government
No 4180
Date 3/3/49

MINISTER FOR L S G

107) After examining the facts of the case, I am of opinion that it is not a fit case to be pursued in a criminal court. Hence the case may be withdrawn

Read at 4.30 p.m. 3/3

4/3/49 4/3/49 4/3/49

108) Having regard to the long standing public service said to be rendered by the gentleman, I agree with the Hon'ble the minister for L S G

Read 3/3

4/3 3/3/49 7/3/49

WD 02853—GPB—30 000—11 48

General and Revenue Secretariat | 4097/me File No | of 1948

Serial No

109) Draft letter please for 7/3/49

110) Draft letter as put up for approval

Rao 7/3/49

Dr 7-3-49

111) Issue action for 7/3/49

To

The Dy Commr, Mandya Dt

No L 10156/me 125-47-1 Dt 7 3 49

ordering withdrawal of the prosecutg

Copy of the D & P, Mandya Dt

B - 17 3 49

Note — Contn Sheet

withdrawal of prosecution against Sir Sadiq Hasan Ex Vice President

28

File No of 194

General and Revenue Secretariat

Serial No

WD 02853—GI B—30 000—11 48

Mr K Mohamed Ahmed, B A ,
Deputy Commissioner,
Mandya District

Mandya,
Dated 1st October, 1947

CONFIDENTIAL

No D O A5 356/47-48
(B, Hale)

Dear Sir,

With reference to your D O letter No 57 dated 5-9-1947 forwarding a copy of the report on the audit of the accounts of Maddur Town Municipality in connection with the alleged misappropriation of Municipal Funds by Mr M Sreenivasa Setty, Vice-President, Maddur Town Municipality, for framing suitable charges, based on the audit report against the Vice-President and the Clerk and for obtaining their explanations thereon, I write to state that separate charges as indicated in the enclosed lists were framed against the persons concerned and sent to the Amildar President Maddur for obtaining their explanations The President has translated the several charges to Kannada and obtained the explanations of both the Vice-President and the Clerk on each of them and submitted the same with his report No 7/47-48 dated 25-9-1947 a copy of which - together with the explanations in original is enclosed herein for favour of your reference

The Vice-President Mr M Sreenivasa Setty has explained that as the amounts in respect of item Nos 1 and 2 of the Appendix "A" enclosed to the Audit report were not actually received on the dates on which the receipts were issued to the parties concerned, the amounts received subsequently could not be credited to the Treasury He admits that although receipts in respect of items 3 4, 5, 6 and 8 were issued by the Clerk Vedadri, the amounts were delivered to him (Vice-President) by the clerk , He also explains that the full amounts in respect of items 9 & 10 were not received in one lump but were paid in instalments and that all these necessitated the withholding of the remittance of the entire amount till the office was inspected by the Minister for Revenue He has however presented a petition to the President, Municipal Council on 22-8-1947 the day next to the date of inspection, intimating that a sum of Rs 2,663/- had not been credited to the Treasury,

p t o

Treasury that the amount was with him and that he was prepared to credit the amount to the treasury immediately The orders of the Deputy Commissioner were obtained on his application and the amount credited to the Treasury on 26-8-1947 Mr Sreenivasa Setty has explained that the whole amount was in his personal custody till it was remitted to the Treasury as he was afraid of keeping such a heavy sum in the office without possible risk He also stated that the iron safe was brought to the Municipal Office about 10 days prior to the inspection of the Minister for Revenue The Amildar President has however disbelieved these statements and has opined that the Vice-President had misappropriated the Municipal funds collected by him from the parties

The explanation of clerk on the several charges framed against him has also been obtained With regard to the receipts issued by him, he has stated that it was usual for the clerk to pass receipts in the absence of the Vice-President for amounts tendered by the parties at the Municipal Office and that he issued the receipts and paid the amounts to the Vice-President This has been admitted by the Vice-President also When questioned as to why he failed to bring the amounts on the cash book of the Municipality then and there and arrange for their remittances, he has explained that the Vice-President instructed him to await receipt of amounts in respect of receipts issued previously The Amildar President has also disbelieved this statement and opined that in view of the fact that the Clerk failed to bring these irregularities to the notice of the President, he was privy to these transactions and was hand-in glove with the Vice-President With regard to the short remittances of Octroi collections detailed in appendix "B' of the Audit report, the clerk has stated that he was not checking the daily collections in the midst of heavy office work and that the responsibility of the remittance of amounts collected, was entirely on the Manegar The Amildar has examined this question and reported that the short remittances in respect of all items except 13 are due to clerical errors and that beyond the omission of the clerk to check the collections, the other irregularities have to be brought home to the Manegar who was himself writing the Khirdi and crediting the amount to the Treasury He has stated that these irregularities would be separately enquired

continued

enquired into and necessary action taken against the Manegar

It is apparent from the above that a heavy sum of Rs 2,663/- was in the personal custody of the Vice-President Mr Sreenivasa Setty for a long time from the month of May, 1947 to the date of credit in contravention of the Account Rules and whatever might be the circumstances in which the amount remained uncredited to the treasury, Mr Sreenivasa-Setty has to be considered guilty of having retained Municipal funds with him without proper authority Being a non-official Vice-President, it may not also be unlikely that he issued receipts on trust, to the parties as alleged by him with a view to avoid the consequences of delay in payment of their dues But still he has to be considered as having misused the trust reposed in him by the Municipal Council The Clerk of the office although he had knowledge of these - irregularities failed to bring them to the notice of the President Mr Sreenivasa Setty has tendered his resignation for his appointment as Vice-President which may kindly be accepted and the matter closed Since the full amount detailed in appensix *A* has been recovered and credited to the Treasury, I feel an order of removal or prosecution would be too hard in view of the public service the gentleman is doing and is always willing to do

As regards the clerk who is only a local candidate and who has been placed under suspension pending enquiry into the matter, I am taking separate action to terminate his services

Yours sincerely,

Syed Abdul Aleem, Esq , B A ,
Secretary to Govt , of Mysore,
Revenue Department,
BANGALORE

Copy of report No 7/47-48 dated 25-9-1947 from the President, Town Municipal Council, Maddur to the Deputy Commissioner, Mandya

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In obedience to your confidential D O No A5 356/47-48/Encl 5 dated 9th Septr 1947 calling for a detailed deport on the charges framed by the Auditor Mr C Britto of the Efficiency Audit against Mr M Sreenivasa Setty, Vice-President of the Town Municipal Council and P Vedadri, Clerk of the Maddur Town Municipal Council re the alleged misappropriation of Municipal funds, I beg to enclose herewith the statements of the above two parties for favour of your kind perusal The delay for the submission of the report is due to the absence of Vedadri the clerk of the Municipal Council from headquarters (the fact of the absence of the clerk was also brought to your kind notice in my adinterim report) His father's place was Malavalli and he was married in T Narasipur He was not to be found at Malavalli as enqmired He had gone to T Narasipur His presence was secured by addressing the President of T Narasipur to send him here As soon as Vedadri came to Headquarters, the statements of both the parties were recorded on 24-9-1947 It was so arranged that the statements were recorded one after another without allowing them to come into contact with each other after the enquiry of one The Vice-President states that because that items No 1 and 2 of Appendix *A* enclosed herewith were not received on the day, that receipts were issued by him, the other item received by him were not credited to the Treasury, though these were received on the days that receipts were issued to the parties He further states that items of 9 and 10 were not received by him in a lump

I am of opinion that it is self evident that the Vice-President has misappropriated these moneys which he has received from the parties for the reasons noted below -

Inspite of the fact some amounts were not received by him and that he had given them receipts on trust, he had no business to retain the other items which he had received from the parties without crediting the same in the Treasury on the day he received from the parties I do not know how far it can be believed that receipts will be given in advance for such big items without first receiving them Moreover the amounts received by the parties are not kept in

p t o

kept in the iron safe of the Municipal Office eventhough there is one The Vice-President has kept the moneys received from parties in his house

In my opinion the Vice-President has committed misappropriation, and Vedadri the clerk is an abettor of the same The Municipal clerk knows fully well that these items were not credited to the treasury by the Vice-President and having known all these he had not brought the same to the notice of the President The Municipal clerk goes a step further by issuing receipts to parties un er his own signature The statement given by the clerk reveals the fact that he was hand in glow with the Vice-President without any doubt

Suitable punishment may be meted out to the Vice-President and the clerk

Regarding the octroi receipts not remitted to the Treasury noted under Appensix 'B" enclosed herewith I beg to state that amounts of short remittances noted against serials 1 to 8 do not pertain to the period of Vedadri as per his statement as he was not in-charge then as he came only after this period The items of octroi receipts from Serials 9 to 13 pertain to the period of Vedadri as per his statements Vedadri states that it was the tail end of the year and that he much work to attend and that he was unable to check these items and that he has not signed for having checked these items The clerk further states that he has not received any of these items of money from the Manegar and that the Manegar is responsible for all these items as the Manegar himself writes the Khirdi and the short remittances are clerical errors As regard the last item of Rs 19-10-6 also the clerk states that the Manegar is mainly responsible The clerk states further that the Manegar has made a Shara in the khirdi that the amount has been credited to Treasury but the amount has not been credited to Treasury

In my opinion the amounts of short remittances of octroi amounts contained in Appensix "B" are clerical errors except the

continued

the last item of Rs 19-10-6 As the Manegar was himself writing the Khirdi, he is responsible for the short remittances due to clerical errors in addition Responsibility regarding the last item of Rs 19-10-6 will have to be fixed after enquiring Manegar Action against the Manegar will be taken separately for these items and a report will be submitted early regarding the same None the less the Municipal Clerk is responsible for not checking these items daily If proper checking of these items had been exercised by the clerk, the clerical errors could have been avoided

The entire file accompanies along with the statements of the Vice-President and Municipal Clerk and the application of the Vice-President dated 22-8-1947 and the statement of the Vice-Presidant dated 26-8-1947 for favour of kind perusal The Vice-President has credited a sum of Rs 2,663/- on 26th August, 1947 to Municipal No 18

"Copy"

Deputy Commissioner,
Mandya District

(Confidential) Bezwada (By Regd Post) 7

Mr I Mohamed Ahmed, B ,
Deputy Commissioner,

I I D I ,
Dated 8th September 1947

No 5 356/47-48
(C& 5)

Dear Mr Rangappa,

I am enclosing herein a copy of the report on the audit of the accounts in the Maddur Town Municipality together with copies of its enclosures in connection with the alleged mis-appropriation of Municipal Funds by Mr I Sreenivasa Setty, Vice President of the Municipality for our information and request you to secure the presence of Mr I Sreenivasa Setty and the clerk Mr Rao on and enquiry and obtain their explanations on the several charges detailed in the enclosed lists

A detailed report on the observations observed in the audit note together with your remarks on the explanation of the Vice President and the clerk should be submitted so as to reach this Office before the 13th instant

The matter should be treated as very urgent and no room given for reminders.

Yours sincerely,

P Rangappa, Esq ,B ,
President
Municipal Council
MADDUR

4/9/47
9/9

[illegible] of the audit of the account of [illegible] Municipality in connection with [illegible] misappropriation of Municipal money, Vice-President of the Municipality

Period covered by audit: 23-8-47 to 26-6-47
Date of audit: 1-7-47 to [illegible]-7-47
Items: Remitted

The audit consisted of a check of the receipts with a view to seeing if all receipts issued during the period covered by audit were actually remitted to the treasury and, if not remitted, the extent to which receipts have been omitted to be brought to the cash book or remitted to treasury

During the course of audit the following records and registers pertaining to the period of audit were examined

1 Counterfoils of receipts issued for octroi collections
2 Counterfoils of receipts issued for Thatta collections
3 Counterfoils of tickets issued for rents and rates collected
4 Counterfoils of receipts for miscellaneous taxes collected
5 Thirdi registers for octroi collections maintained by the Mukadam
6 Registers for Chhutarfa collections
7 Register for collections of rents and rates
8 Petty Cash book
9 General Cash book
10 Remittance Register
11 Treasury Pass book

A statement is appended (Appendix A) showing the details of revenue received in the Municipal Office but not remitted to the treasury This statement relates to receipts issued by Mr Shreenivasa Setty, Vice President, of the municipality and by Mr P Jedadri, the Municipal clerk, during the months of May and June 1947 These receipts have not been brought either on the petty cash book or the general cash book and they have not also been remitted to the treasury, as these do not find place either in the remittance register of the treasury pass book to date of audit It has, therefore, to be presumed that the amounts collected and for which receipts were granted to the parties as can be seen from the counterfoils available, have been misappropriated either by Mr Shreenivasa Setty or Mr P Jedadri, the Municipal clerk, to the extent to which each one has issued receipts under his signature It is, however, quite possible that collections for which receipts were signed by the Municipal clerk were handed over to the Vice President and the total collections not remitted to the Treasury were misappropriated by the Vice President himself There are indications which go to show that the Municipal clerk ought to have been known about the misappropriation for the following reasons

1 For the amounts received in the Municipal Office and misappropriated, the Municipal Clerk, Mr P Jedadri, has written up the receipt

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2 It is he who writes the cash book and when doing so, he ought to have known that certain collections, especially large collections- between [illegible] and June 1947, had to be brought to the cash book

3 He himself has issued and signed certain receipts and these have not been brought either to the Petty Cash Book or the General Cash book

From the foregoing it appears that [illegible] P Vedadri, the Municipal Clerk, also had a hand in the misappropriation and that the Vice-President had taken him into his confidence

Another statement is appended (Appendix B) showing certain octroi receipts which have not been remitted to the Treasury The short remittances are mainly due to mistakes in striking totals in the Thirdi Register except item No 13 for Rs 19-10-6 which has not been remitted at all The Mutsaddi, I Shamsuddin has written in the Thirdi register (page 1)that he has given the amount to the Municipal Office The Municipal clerk has not signed or affixed his initials in token of his having either checked or received this amount The amount has not been brought to the petty Cash book or the General Cash book It is difficult to say whether the Mutsaddi actually gave the amount to the Municipal Office, or, if he actually did so whether the Municipal clerk, failed to set his initial in the Thirdi register and takes the amount to the cash book The fact that the amount has not been remitted to the treasury is however there and this amount along with the other short-remittances has to be made good by the Mutsaddi

The misappropriation was possible not due to any defect in rules or system of accounting but to non-observance of rules and want of periodical check of the accounts of the Municipality by the Municipal Audit Committee consisting of five members of the Municipal Council

It is not known under what authority Mr Vedadri the Municipal Clerk was allowed to issue receipts on behalf of the Vice President While cash is under the custody of the Vice President all amounts received in the Municipal Office should be either put into the cash box or remitted to the Treasury after taking them into account in the Petty Cash book or General Cash book It was irregular to have allowed the Municipal Clerk to issue and sign receipts for revenue received

It was gathered that amounts received in the Municipality are not directly taken to the petty cash book The General cash book is written from the remittance register after money is remitted to the Treasury

[illegible] procedure is defective [illegible] to be entered in cash book [illegible] all received must first be entered either in the petty cash book or the general cash book and then remitted to the Treasury. This will facilitate the check of the remitted amounts to the Treasury at the end of the month also to agree the balance at the end of the month with the cash book balance.

At the Municipal Councillors' meeting on 30th June 1946 an audit committee consisting of five members was appointed to audit the monthly accounts ~~[illegible]~~ of the municipality for the year 46-47. It is doubtful if the Committee performed its duties properly as otherwise the amounts not remitted to the treasury should have been traced from a cross check of the petty cash book and the general cash book with reference to receipts issued. Any of none of the members of the committee had either signed or initialled on any of the important account registers examined during the course of audit, in token of this having audited the accounts. The knowledge that accounts are not scrutinised by the Committee should have tempted the Vice-President and the Municipal Clerk to misappropriate municipal funds. If the accounts had been periodically examined by the Audit Committee this would have acted as a moral check and the misappropriation would perhaps, have not taken place. Negligence of duty by the Audit Committee seems to have to some extent facilitated this misappropriation. Added to this the Municipal Clerk's not informing the Municipal President about the facts made things easy for the Vice President to misappropriate these receipts.

Before commencing audit it was gathered ~~[illegible]~~ that the President according to the instructions of the ~~[illegible]~~ Minister seized certain books of the municipality on 21st August 1947 and kept them in the Treasury in a sealed box. The registers etc., so seized by him are contained in a statement attached to this note. Items 3, 4 and 5 in and in this statement are the registers which were kept under safe custody with the Waldar at my instance after completing audit on 26th August 1947. These registers in the statement have again been sealed in a box and left under the custody of the Mudaliyar.

It was ascertained from the Mudaliyar the Ex-Officio President of the municipality, that Mr. Sreenivasasetty, had brought certain amount, which was received by him towards municipal revenue and not credited to the treasury. On this the president sought orders from the Deputy Commissioner

Commissioner whether to receive the amount brought by the Vice -President on the last day of audit i e 26th August 1947 at 3 P M Mr Sreenivasa Setty brought a sum of Rs 2,663/- and handed it over to the President The President took a statement from Mr Sreenivasa Setty to the effect that this amount represented the amount received by him and kept with him unremitted to the Treasury and that this might be credited to the Municipal Funds

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Deputy Commissioner,
Mandya District

mra 2/-

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APPENDIX

Statement showing details of revenue received in the municipal Office Maddur but not remitted to the Treasury

Sl No	Receipt Pr No	Receipt No and date	Amount	To whom issued	On what account receipt issued	By whom signed
1	47 - 33	1609 D/17-5-47	500	Mr Lingiah of Maddur	for Value of site No 9	Mr I Sreenivasa Setty
2	-do-	1610/22-5-47	500	" M I Linganna	do 10	" I Sreenivasa Setty
3	-do-	1611/28-5-47	20	Hutchanna of Bestakeri	Deposit amount of one site in Bestakeri	" P Vedadri
4	-do-	1612/2-6-47	20	" Chowdanna of Maddur	Deposit amount of site	" P Vedadri
5	-do-	1613	20	" Mallaiah of Maddur	Deposit amount of site	P Vedadri
6	-do-	1614 5-6-47	3	Thimmegowda	License fee for running a huller and floor mill for 46- 47	" P Vedadri
7	-do-	1615 6-6-47	500	" M J Siddappa	For value of site No 8	" Sreenivasa Setty
8	-do-	1616 24-6-47	50	Sri Mahalakshmi talkies	Maddur Towards ground rent for 15 days	" P Vedadri
9	-do-	1617 28-647	500	Mr P Venkataramiah of Maddur	Being upset value of site No 15	" Sreenivasa setty
10	-do-	1618 -do-	500	" M I Narasimha Setty	Being the value of site No 16	" M Sreenivasa setty
11	-do-	1619 -do-	50	" M M Bheema Rao	Being the compounding fee of 6¼ mds of Jaggery as per Municipal Council's resolution dated 30-6-47-	" I Sreenivasa Setty

Total Rs 2,663/-

Amount for which receipts have been signed by the clerk Rs 113/-

'Copy'

Deputy Commissioner
Kundapura District

PP" DI B

Statement of Octroi Receipts not remitted to the Treasury

Sl No	Receipt No	Total amount collected	Amount remitted to Treasury	Date of remittance	Amount of short remittance
		Rs s P	Rs s P		Rs s P
1	1642/11-7-45	0-5-2	0-4-2		0-1-0
2	1641 to 1661 of receipt books Nos A-35 33,34	63-0-4	53-0-4	14-7-45	10-0-0
3	28 to 50 Bk No 9057	34-6-11	34-4-11	4-8-45	0-2-0
4	505/xx 29-8-45	0-7-3	0-6-3		0-1-0
5	541 to 550 Bk No 47-11	5°-5-9	54-10-9	3-°-45	4-11-0
6	1150 - Bk No xxx 47-23	0-8-0	0-6-0		0-2-0
7	7322 to 7350	60-9-7	58-1-7	23/1/46	2-8-0
8	6279 - Bk No 98-126	0-2-10			0-2-10
9	6419 to 6443 - Bk No 98-129	35-15-0	35-14-6		0-0-6
10	6444 to 6450 and 6451 to 6462 - Bk No 98-130	95-15-0	93-8-6		2-0-0
11	2313-Bk No 109-48	11-5-6	11-0-0		0-5-6
12	2330 to 2350 and 2351 to 2400 -Bk No 109-48	250-11-0	244-4-0		6-7-0
13	2179 to 2187/2-7-47	19-10-6			19-10-6
	Total	632-0-4	585-13-0		46-3-4

"Copy"

Deput Commissioner,
Mandya District
4/9/19
9/9

Rs 2/-

Charges framed against Mr I Sreenivasa Setty, Vice-President, Town Municipal Council, Maddur, with regard to the alleged mis-appropriation of Municipal funds as disclosed from the report of the Auditor Mr C Britto, of the Efficiency Audit

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1 Receipts for the amounts received by you towards Municipal dues as detailed in the enclosed statement " " were issued by you on the dates and to the persons noted therein but the amounts were not credited to the Treasury then and there as required by Rules, which is tantamount to mis-appropriation of Municipal funds Please explain what you have got to say with regard to these charges?

2 In respect of receipts signed by the Municipal Clerk, it is ascertained that the amounts were handed over to you by the clerk Even these amounts were not credited to the Treasury promptly Your explanation with regard to this omission should be furnished

3 Statement "B" enclosed shows details of Octroi Collections not credited to the Treasury in time The Octroi Manegar appears to have explained away that he wrote the khirdi and handed over the money to the Clerk Since you were delegated the power to issue cheques and maintain the Municipal Cash books (General and Petty cash), you should have checked the receipts every day Please explain this omission?

4 It was highly irregular to have allowed the Municipal Clerk to issue receipts for the amounts received by the Municipality This appears to have been done on your own authority Why?

5 An Audit Committee was constituted on 30-6-46 for auditing the monthly accounts in the Municipality for the year 1946-47. Please explain why the accounts were not placed before the Committee for audit?

6 It is reported that a sum of Rs 2,663/- being the aggregate of the several receipts detailed in Statement "A"

P T O

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enclosed was produced by you before the Asildar at 3 P on 26-8-47 with a statement that the amount was with you unremitted to the Treasury till then This shows that the amount was temporarily erbezzled by you hat have you got to say with regard to this charge?

Deputy Commissioner,
Landya district
4/9/9
4/9/47

P S ?

~~Recollections~~

1) Charges framed against P Vedurai Clerk of the Court - Town Municipal Office with regard to the alleged mis-appropriation of Municipal Funds as disclosed from the report of the Auditor Mr C Britto of the Efficiency Audit -

1 For certain amounts detailed in the statement "A" enclosed, you have issued receipts in your own hand-writing and under your signature Explain why you did it and under what authority?

2 The amounts according to the receipts were received in the months of May and June 1947 Explain why they were not taken on the petty and the General Cash books on the several days and remitted to the Treasury then and there?

3 Statement 'B' enclosed shows the short remittances of Octroi Collections during the period from 1945-46 to the 23rd August 1947 Item No 13 of the list is in the Khirdi but not credited to the Treasury Octroi Manager Shamshuddin appears to have explained that the amount was handed over to you for remittance but the amount was not credited to the Treasury on the same day should be explained?

4 The reasons for the short remittances should also be explained?

5 The accounts of the Municipality should have been submitted for Scrutiny to the Audit Committee constituted for the purpose Your negligence in this regard has occassioned the irregularities noticed? What have you got to say about this gross negligence?

6 As the clerk of the office, you have to write the General and Petty cash books with reference to the receipts daily Then you knew that the collections made during the months of May and June 1947, had not been credited to the Treasury, though they were heavy, you have failed to bring this to the notice of the President This clearly shows that you were hand in glove

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in clo.e ith the /ice-Ire ident h+ hav- yo.. to s. ith regard to this?

Deputy Commissioner,
Landy district

IVS 2

~~Cancelled~~

Municipality

EIPT OF OTHER TAXES No 1281

e of payment ..

ehalf of the Muni pal ty the sum mentioned amount

s day been received from M/s Basavaraja S/o Malappa Uppin Kar

ss

to and ol on ier	Particulars of payment (In case of a tax state the period for which it is due)	Amount Rs a p
	Being Site Value of Site	500 0 0
	Total	500 0 0

unt received (in words) Rupees Five hundred only

M Commissioner

ture of Tax Collector
receipts for a tax

Signature of President

WD 01 488—GPR—1 000 b —5-3 45

I left Bangalore on the
night of 23-8-47 and
reached at 10 30 A M
straight away went to
Taluk Office The Amildar
sent a form Immediately
I sent a note to him and he
asked to Head Qrs at 8 30 P M
meanwhile I checked
the Receipts Disbursements
The Receipts issued into
Octroi Day Book from
5-6-46 to 30-6-46 Entries from
1-6-46 to date I audit have
checked as well as
the entries in the
Bk and remittance
Registers have to be checked
In respect of the Registers
kept under seal in the Taluk
office, the box, sealed, was
opened to-day morning
Before doing this the Amildar
I went to Mandya early
in the morning to get some
registers which were in his
possession for with the Deputy
Commissioner the Deputy Comm
was on tour from the 22nd
and a note was left. The
D. C. has sent the registers etc
in a sealed cover this evening
I have checked the Receipts
Books in respect of mise

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Receipts for which receipts have been issued by the Vice President and the Municipal Clerk the main item of work in this respect is making entries of receipts from the Receipt Books into the Petty Cash Books Remittance Register and the Pass Book to date. This has been completed. There are a few more items of the type already noted involving a total sum of (excluding R. 2050 already found out) Rs 633/- not remitted to the Treasury. Further details will be worked out after completing the audit

Octroi collections & Mohatafa collections from 1-7-45 will be checked to date will be checked in general to see if all the collections have been remitted to the Treasury this will take the whole of to-morrow and even a part of day after to-morrow I will try my best to complete the report to-morrow itself if possible if it is found impossible to complete it to-morrow I will be reading Bangalore on 26-Aug afternoon

A Britto
Secretary
4 30 P.M

Report of the audit of the accounts of Maddur Town Municipality in connection with the alleged misappropriation of Municipal funds by Mr M Sreenivasa Setty, Vice-Presidnt of the Municipality

Period occupied by audit	23-8-47 to 26-8-47
Period covered by audit	1-7-45 to 23-8-47
Auditor	Mr C Britto

The audit was confined to a check of various items of Municipal receipts with a view to see that all receipts during the period covered by audit were actually remitted to the treasury and, if not remitted, the extent to which receipts have been omitted to be brought to the cash book or remitted to treasury

During the course of audit the following records and registers pertaining to the period of audit were examined -

1) Counterfoils of receipts issued for octroi collections
2) Counterfoils of receipts issued for Mohatarfa collections
3) Counterfoils of tickets issued for rents and rates collections
4) Counterfoils of receipts for miscellaneous taxes collected
5) Khirdi registers for octroi collections maintained by the Mutsaddi
6) Registers for Mohatarfa collections
7) Register for collections of rents and rates
8) Petty Cash Book
9) General Cash Book
10) Remittance Register
11) Treasury Pass Book

A statement is appended (Appendix A) showing the details of revenue received in the Municipal office but not remitted to the treasury This statement relates to receipts issued by Mr M Sreenivasa Setty, Vice-President, of the Municipality and By Mr P Vedadri, the Municipal Clerk, during the months of May and June 1947 These receipts have not been brought either on the petty cash book or the general cash book also and they have not been remitted to the treasury, as these do not find a place either in the remittance register or the treasury pass book to date of audit It has, therefore, to be presumed that the amounts collected and for which receipts were granted to the parties as can be

seen

seen from the counterfoils available. have been misappropriated either by Mr M Sreenivasa Setty or by Mr P Vedadri, the Municipal Clerk to the extent to which each one has issued receipts under his signature It is, however, quite possible that the collections for which receipts were signed by the Municipal Clerk were handed over to the Vice-President and the total collections not remitted to the treasury were misappropriated by the Vice-President himself There are indications which go to show that the Municipal Clerk ought to have known about the misappropriation for the following reasons

(1) For the amounts received in the Municipal Office and misappropriated, the Municipal Clerk Mr P Vedadri, has written up the receipts

(2) It is he who writes the cash book and when doing so, he ought to have known that certain collections, especially large collections between May and June 1947, had to be brought to the cash book

(3) He himself has issued and signed certain receipts and these have not been brought either to the Petty Cash Book or the General Cash Book

From the foregoing it appears that Mr P Vedadri, the Municipal Clerk, also had a hand in the misappropriation and that the Vice-President had taken him into his confidence

Another statement is appended (Appendix B) showing certain octroi receipts which have not been remitted to the treasury The short remittances are mainly due to mistakes in striking totals in the Khirdi Register, except item No 13 for Rs 19-10-6 which has not been remitted at all The Mutsaddi, K Shamshuddin, has written in the khirdi register (page 1) that he has given the amount to the Municipal Office The Municipal Clerk has not signed or affixed his initials in token of his having either checked or received this amount The amount has not been brought to the Petty Cash Book or the General Cash Book It is difficult to say whether the Mutsaddi actually gave the amount to the Municipal office or, if he actually did so whether the Municipal Clerk failed to set his initials in the Khirdi Register and take the amount to the Cash Book The fact that the amount has not been remitted to the treasury is however there, and this amount, along with the other short-remittances has to be made good by the Mutsaddi

The

The misappropriation was possible not due to any defect in rules or system of accounting but to non-observance of rules and want of periodical check of the account of the municipality by the municipal audit committee consisting of five members of the Municipal Council

It is not known under what authority Mr P Vedadri the municipal clerk was allowed to issue receipts on behalf of the Vice President While cash is under the custody of the Vice President, all amounts received in the municipal office should be either put into the cash box or remitted to the Treasury after taking them into account in the Petty Cash Book or General Cash Book It was irregular to have allowed the municipal clerk to issue and sign receipts for revenue received

It was gathered that amounts received in the Municipality are not directly taken to the Petty Cash Book The General Cash Book is written up from the Remittance Register after money is remitted to the Treasury This procedure is defective and has to be stopped immediately All amounts received must first be entered either in the Petty Cash Book or the General Cash Book and then remitted to the Treasury. This will facilitate the check of the unremitted amounts to the Treasury at the end of the month and also to agree the balance at the end of the month with the Pass Book balance

At the Municipal Councillors' meeting on 30-6-1946, an audit Committee consisting of five members was appointed to audit the monthly accounts of the Municipality for the year 1946-47 It is doubtful if the Committee performed its duties properly, as otherwise the amounts not remitted to the Treasury should have been traced from a perusal of the Petty Cash Book and the General Cash with reference to receipts issued Anyway, none of the

members

members of the Committee had either signed or initialled any of the important account registers, examined during the course of audit, in token of his having audited the accounts The knowledge that accounts are not scrutinised by the Committee should have tempted the Vice President ~~or~~ and the municipal clerk to misappropriate municipal funds If the accounts had been periodically examined by the Audit Committee this would have acted as a moral check and the misappropriation would, perhaps, have not taken place Negligence of duty by the Audit Committee seems to have to some extent, facilitated this misappropriation Addad to this the Municipal clerk's not informing the Municipal President about the facts made things easy for the Vice President to misappropriate these receipts

The Munsif clerk has clearly colluded with the V P or deliberately connived at his fraud

Before commencing audit it was gathered that the President, according to the instructions of the Minister, seized certain books of the Municipality on 21-8-47 and kept them in the Treasury in a sealed box The registers etc , so seized by him are contained in a statement attached to this note Items 3, 4 and 5 in ink in this statement are the registers which were kept under safe custody with the Amildar at my instance after completing audit on 26-8-47 These registers in the statement have again been sealed in a box and left under the custody of the Amildar

It was ascertained from the Amildar, the ex-officio President of the Municipality, that Mr M Sreenivasasetty, had brought certain amount, which was received by him towards municipal revenue and not credit to the treasury On this the President sought orders from the Deputy Commissioner whether to receive the amou brought by the Vice President On the last day of audi i e , 26-8-47 at 3 p m, Mr Sreenivasa Setty brought a

sum

24 27

sum of Rs 2,663/- and handed it over to the President The President took a statement from Mr M Sreenivasa Setty to the effect that this ammount represented the amount received by him and kept with him unremitted to the Treasury and that this might be credited to the Municipal Funds

Appendix A Statement showing details of revenue receipts in the Municipal Office, Madduru, but not remitted to the Treasury.

	Receipt Bk. No.	Receipt No and date	Amount Rs	To whom issued	On what account receipt issued	By whom signed
1	A 7 33	1609 dt 17/6/43	5-00	Mr Lingad of Madduru	For Value of Site No. 9	Mr. M Sreenivasa Setty
2	-do-	1610 dt 22/6/43	5-00	Mr G M Linganna	For Value of Site No 10	Mr M Sreenivasa Setty
3	-do-	1611 dt 28/6/43	20	Hutchanna of Bettakeri	Deposit amount of one site in Bettakeri	Mr P Vedadri
4	-do-	1612 dt 2/6/43	20	Chowdanna of Madduru	Deposit amount of Site	Mr P Vedadri
5	-do-	1613 dt 26/6/43	20	Mallaiah of Madduru	Deposit amount of Site	Mr P Vedadri
6	-do-	1614 dt 5/6/43	3	Thirumegowda	Licence fee for running a huller and flour mill for 4 f-43	Mr P. Vedadri
7	-do-	1615 dt 6/6/43	5-00	Mr M J Siddappa	For Value of Site No: 8	Mr M Sreenivasa Setty
8	-do-	1616 dt 24/6/43	50	Sri Mahalakshmi Talkies Madduru	Towers ground rent for 15 days	Mr P Vedadri
9	-do-	1617 dt 28/6/43	5-00	Mr Venkataramaiah of Madduru	Being upset Value of Site No. 15	Mr M. Sreenivasa Setty
10	-do-	1618 dt 28/6/43	5-00	Mr M.K Narasimha Setty	Being the value of Site No 16	Mr. M Sreenivasa Setty
11	-do-	1619	5-0	Mr K M. Bheema Rao	Being the Compounding Fee of 6 3/4 mts of Taggery as per Mel Council Resolution of 30-6-43	Mr M Sreenivasa Setty
		Total Rs 663/-				

Amount for which Receipts have been signed by the clerk = Rs 113/-

NB The counterfoils of the receipts in all the above cases have been initialled by the auditor after a check

A

Special Officer
for Efficiency Audit

APPENDIX B

Statement of octroi receipts not remitted to the Treasury

Sl No	Receipt nos	Total amount collected Rs. a. p	Amount remitted to Treasury Rs. a. p	Date of remittance	Amount of short remittance Rs a p
1	1642/11-7-45	0 5 2	0 4 2		0 1 0
2	1641 to 1661 of receipt books Nos A - 35 - ~~54 - 55~~ 33 - 34	63 0 4	53 0 4	14/7/45	10 0 0
3	28 to 50 - Bk No 9057	34 6 11	34 4 11	4/8/45	0 2 0
4	505/29-8-45	0 7 3	0 6 3		0 1 0
5	541 to 550 - Bk No 47-11	59 5 9	54 10 9	3/9/45	4 11 0
6	1150 - Bk No A 47-23	0 8 0	0 6 0		0 2 0
7	7322 to 7350	60 9 7	58 1 7	23/1/46	2 8 0
8	6279 - Bk No A 98-126	0 2 10	—	—	0 2 10
9	6419 to 6443 - Bk No A98-129	35 15 0	35 14 6		0 0 6
10	6444 to 6450 and 6451 to 6462 - Bk No A98-130	95 8 6	93 8 6		2 0 0
11	2313 - Bk No A109-47	11 5 6	11 0 0		0 5 6
12	2330 to 2350 and 2351 to 2400 - Bk No A109-48	250 11 0	244 4 0		6 7 0
13	2179 to 2187/ 2-7-47	19 10 6			19 10 6
	Total	632 0 4	585 13 0		46 3 4

Sd. Chief Auditor

Special Officer
for Efficiency Audit

3) General cash Book from 1-10-46 to 31-7-47

4) -petty cash book from 15-12-45 to 15-8-47

5) Remittance Register from 4 4 44 to 31-12-45

6) Mahazar of 22-8-47 by Mr Conciliators recorded before the prosecut

12) Proceedings Book from 27-4-44 to 15-8-47 (Pages one thousand and bundy used up & and inclusive of 360 only

13) Register of Emergency cases (used pages two only)

14) Departmental bill from Dr 1-5 to 20-4-47 (Pages merely Eight only used and the pages numbered one hundred in all)

15) Register of Immovable properties (pages Three to thirty two written up and only numbered

16) Cash account for the year 1946-47

Peshkar [illegible]
Tahsildar
26/5/48) Deputy
Acting Tahsildar

Confidential Prosecution

L 2504/Eg

Dear Sir,

I am directed by the Secretary of State for Foreign Affairs to refer to your letter dated 6th April enclosing a petition from merchants and residents of Aden against the Vice President of the Aden Town Municipality and to request you to be so good as to look into the matter personally and to send a report to this office as early as possible. I am to return herewith the petition which accompanied your letter.

I have the honour to be,
Sir,
Your most obedient
humble servant,
[illegible]

To
H. Mahmud Nuweb Esqre B.A.
Aden

Foreign Office,
April 18th 1917.

12-8-47

Confidential & Urgent

L-2504

Dear Sir,

I am desired to send enclosed herewith, in original, a petition dated 6th August 1947 purporting to be from one Mr V Ramiah making certain allegations against the Vice-President of the Maddur Town Municipality and to request you to be so good as to look into the matter personally and to send a report to Government very early The petition may be kindly returned with your reply

Yours sincerely,

12/8

K Mohamed Ahmed, Esq , B A ,
Deputy Commissioner,
Mandya District,
M a n d y a

Confidential

Dear Sir,

On continuation of D O letter no L 2504 dated 12-8-47, I am desired to forward herewith for information a copy of the report on the audit of the accounts of Madam Town mlty in connection with the alleged misappropriation of municipal funds by Mr M Srinivasa Setty Vice-President Madam Town municipality and ~~to request you to obtain the explanation of~~ the V P and the clerk concerned and to submit ~~the same within~~ a week. I am to request that suitable charges based on the above report may be framed against the V P & the clerk and the ~~explanation~~ thereon ~~obtained from them~~ submitted ~~for~~ the orders of the Govt within a week. The matter may be kept pending as requested.

Yours Sincerely

S

To

The D C manager (by name)

4/9/47

4th Septr 7
5

No. 5-7
Revds (3)

Confidential.

Dear Sir,

In continuation of D.O.letter No.L.2504 dated 12th August 1947, I am desired to forward herewith for information a copy of the report on the audit of the accounts of Maddur Town Municipality in connection with the alleged misappropriation of Municipal Funds by Mr. M. Srinivasa Setty, Vice President, Maddur Town Municipality. I am to request that suitable charges based on the above report may be framed against the Vice President and the clerk and then their explanation obtained thereon and submitted for the orders of the Government within a week.

Issued 5/7/47

The matter may be kindly treated as very urgent.

Yours sincerely,

5/9/47

K. Mahomed Ahmed, Esq., B.A.,
Deputy Commissioner,
Mandya District,
M a n d y a.

Received from the ~~General~~ Revenue Secretary
- to the Government of Ceylon the following
Records Concerned in Trial at Mallakkam No 50/43
Sus 409 410 & Pc

1) Receipt No 16092 17 s 47 for Rs 500/
issued by Mr M Sivanandam Setty in favour
of Singam

2) Receipt No 1617 of 28 6 47 for Rs 500/-
issued by M Sreenivasa Setty in favour of M
Venkatachalam of Mallakkam

3) Receipt for Rs 500/- of 6 6 47 for Rs 500/- issued by
Mr M Sreenivasa Setty in favour of Mr M T Subbiah
Mallakkam

4) Application of 30 6 47 from one K M
Rheeman to the Municipal Office Mallakkam

Subramaniam
Police Inspector
Mallakkam
6/12/43

Accepted 6/12/43

33/47-8(Secret I) 34

2nd September 7

Dear Sir,

I am desired to invite reference to a news item in the MATHRU BHUMI of 25-8-1947 regarding the visit by the Minister for Revenue and Communications to the Municipal Office at Maddur etc and to request that a report may kindly be forwarded on the points referred to therein as also on the results of any steps taken apart from the special audit conducted by an auditor of this Branch the relevant file may be sent for reference & return

The favour of an early reply is requested

Yours sincerely,

2/9

K Mahomed Ahmed, Esq , B A ,
Deputy Commissioner,
Mandya District, MANDYA

r.I ohamed ahmed,B A ,
Deputy Commissioner,

M a n d y a, 35 136/EA
Dated 3rd September 1947

No D O A5-356/47-48

Dear Sir,

With reference to your D O Letter No 33/47-48 dated 2-9-47 regarding the News item in the Nathruboomi of 25-8-47, in connection with the visit of the Minister for Revenue and - Communications to the Municipal Office at Maddur, I write to state that subsequent to the surprise inspection of the Minister the Amildar, President of the Maddur Town Municipal Council, submitted a report requesting permission to withdraw the powers delegated to the Vice-President in view of the irregularities observed by the Minister at the time of inspection and he was accordingly asked to withdraw the powers pending completion of the audit of the accounts of the Municipality by the staff of the efficiency audit and enquiry into the irregularities brought to notice The President has reported that the powers with regard to the signing of cheques, passing of Bills, payment of rewards for the destruction of snakes etc , grant of refunds and conducting of sales of Municipal lands and produce of lands, delegated to the Vice-president under section 26 of the Town Municipalities Act, have been withdrawn

With regard to the action taken by the President, after the inspection of the Minister as detailed in the last two paras of the News item, the President has not submitted any report so far

I propose to look into this matter myself to-morrow and submit a report on the points referred to in the paras

Yours sincerely,
Illegible
5/9

D I Srinivasachar,Esq ,B Sc ,(Hons),
Special Officer for Efficiency Audit,
Bangalore

DO no. 40 1/4-8
11 9 94

36

Dear Sir,

Audit of certain accounts in Nakuru Municipal Office

I am desired to invite reference to DO letter no 33/4-8 dated 29 94 and your ad-interim reply dated 3 9 94 on the above subject and to request to expedite your final reply in the matter at the earliest

Yours faithfully

11/9

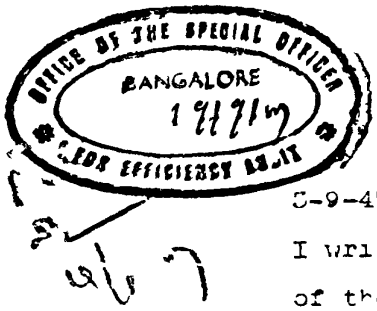
K Mohamed Ahmed Esq AA
DC Nakuru DL

ider, ted 16th October 1947

o 5-356/47-48

EA 150
47-48

Dear Sir,



Re Audit of accounts in Laddar Municipal Office

In continuation of my O O Letter No 5-356/46-47 dated 3-9-47, in reply to your letter of the 2nd September 1947, I write to inform you that with regard to the penultimate para of the audit item in the "Prathrikha Bhumi" of 25-8-47, the President, Town Municipal Council, Laddar has reported that from the references available in his office, it is seen that the sum of Rs 2 388-3-3 was due from the Municipal Depot towards the cost of food grains and other articles supplied from the Government Reserve Depot on credit basis that the said amount is reported still due from the depot clerk Govindaraj who is now more than three months in arrears and brother of late Govindaraj and that the recovery of credit to Treasury on the latest noted in the margin. I this connection

	Date	Challan No	Amount
1	15-5-46	53	Rs 672- 0-10
2	12-12-46	144	400- 0- 0
3	31-12-46	107	600- 0- 6
4	-do-	109	20-13- 2
		Total	2 388- 3- 3

tion of accounts of the Municipal Depot was got audited by the staff of the Audit and Accounts Officer, Food Department Mysore circle and separate action is being taken on the irregularities pointed out in the audit Notes. The petition that is to have been presented by Mr Krishnamurthy to refund not available as the full amount due from the Municipal Depot has been recovered no further action seems necessary.

As regards the last portion of the 1st Item the President reports that with a view to secure the reference records required for purposes of audit, he got the Account register, receipt books etc, taken out from the Office in the presence of the Municipal Council Members but the Depot clerk got the records retained in his own, as he said the office requirements [illegible]

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also received to have been called on the same day. On the following morning, again the Iron safe in the Office-room of the Vice-President was not opened in the presence of the municipal councillors and the cash checked by the President reports that he also verified the octroi collections with reference to the cash-book which had not been written up from 14-8-47. Out of the total collections aggregating to Rs. 31,-6-4 from 14-8-47 to 2 -8-47, the Octroi Inspector was found to be in possession of a sum of Rs 139/- only. He reported to have stated that a sum of Rs 128-10-10 out of the collections had been given to the Vice-President and this amount was taken from the Vice-President by the Manager in his presence. The balance of Rs 40-11-6 was produced by the Manager himself and the amount so made up was credited to the Treasury on 29-8-47.

The audit report of the Special Auditor deputed for checking the accounts of the Municipality was received in this office with letter No. 57 dated 5-9-47, from the Secretary to the Government Revenue Department with instructions to frame charges based on the above report against the Municipal Vice-President and the Clerk.

Action has been taken accordingly and further report in the matter will be submitted to Government in due course.

Yours sincerely,

16/9/47

Officiating Special Officer for Efficiency Audit
Bangalore

MR SYED ABDUL ALEEM B A
Revenue Secretary to Government

D O No 65-

GENERAL AND REVENUE SECRETARIAT
Dated Bangalore 21 Octr. 1947

Confidential.

Dear Sir,

With reference to your D.O.letter No.A 356/47-48 dated the 1st October 1947, forwarding the explanations offered by the Vice President and the clerk of the Hadiar Town Municipality in regard to the misappropriation of Municipal Funds, I am desired to state that the explanations offered in this connection by both Mr. Srinivasa Setty, the Vice-President, and the clerk are unacceptable. There is clear misappropriation of Municipal Funds from the date the amounts were received till they were credited to the Treasury, the delay ranging from two to three months. If a surprise inspection had not been made on information received in this respect, it is likely that the amounts would not have been credited at all, or would have been credited after further delay. The clerk has clearly abetted the offence as he has failed to note the credit in the accounts, though he was aware that the amounts have been received. There is no extenuating circumstances and the suggestion made that no serious notice of the misappropriation need be taken in view of the public service rendered or ~~having~~ being rendered by Mr. Srinivasa Setty cannot be accepted. In these circumstances, I am to request you to take action to prosecute both Mr. Srinivasa Setty and the clerk Vedari. Government consider that this action will have a wholesome moral effect on all persons, whether official or non-official, who handle public moneys.

A report of action taken may be submitted early for the information of Government.

Issued on 21/10/47

Yours sincerely,

Sd/- Syed Abdul Aleem,

Revenue Secretary to Government.

K. Mahomed Ahmed, Esq., B.A.,
Deputy Commissioner,
Mandya District,
Mandya.

p.t o.

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Memo No 66

Dated, 20th/21 Octr. 1947

Copy of the foregoing is forwarded with compliments to the Special Officer, Efficiency Audit, for information

O/C 21/10/47

Secretary to Government,
Revenue Department

No 5-8 dt 25/9/47

Immediate and Confidential

Dear Sir,

I am desired to invite reference to my confidential D.O letter No.5" dated 5th September 1947, calling for a report on the audit of the accounts of Maddur Town Municipality in connection with the alleged misappropriation of Municipal Funds by Mr. M Srinivasa Setty, Vice President of the Municipality and the clerk and to state that the report in the matter was required to be submitted within a week. It is now more than two weeks and the report is not yet received. I am to request you to look into the matter personally and to submit the report by return of post

signed on 25/9/47

Yours sincerely,

K Mahomed Ahmed, Esq., B A.,
Deputy Commissioner,
Mandya District,
M a n d y a.

8 — 24/9

Appendix F G —1]

SUBJECT

Confdl/-

Section

File No

Serial No

Diary No of letter replied to

No

General and Revenue Secretrriat

( )

the 194

To

The D C Nandeya (by name)

Dear Sir,

Date of issue

With reference to your DO letter no A5 356/47-48 dated the 12th October 1947, forwarding the explanations offered by the Vice President of and the Clerk of the Hadhin Town Municipality in regard to the mis-appropriation of Municipal funds, ~~brought to light at the inspection of the Hon'ble Rev & Commrs in August last~~, I am

Signed by

desired to state that the explanations offered in this connection by both the Samvasa Sethy, the Vice-President and the Clerk are unacceptable ~~to Govt~~. There is clear mis-appropriation of Municipal funds from the date the amounts were received till they were credited to the Treasury, the delay ranging from two to three months

1 ist of enclosures

Copie l by ...

Examined by ..

WD 0744—GPB—15 000—30 10-44

If a Surprise Inspection had not been made, it is likely that the amounts would not have been credited at all or would have been credited after further delay. The Clerk has clearly abetted the offence as he has failed to note the credit in the accounts, though he was aware that the amounts had been received. There is no extenuating circumstance and the ~~action taken~~ action made ~~so far~~ so far that no serious notice of the misappropriation need be taken in view of the public service rendered or being rendered by Sri Srinivasa Setty cannot be accepted. In such circumstances I am to request you to take action to prosecute both Sri Srinivasa Setty and the Clerk Kedadri. ~~It is~~ Govt consider that ~~to be right~~ this action will have a wholesome moral effect on all persons whether Official or non-Official, who handle public moneys.

A report of the action taken may be submitted early for the info of Govt.

Yours faithfully

16/10/47

for Secy to Govt

Copy to the Dpl Officer, Bpl Dy
Insp for information

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L 10612

General and Revenue Secretariat

Dated Bangalore 6th NOV. *1947*

FROM

L 10612
d 6-11-47 Revenue - 44

To Mr D.C. Mandya

Sir, In continuation of this Office D.O. letter No B 21 x 47 regarding steps to take action to prosecute Sri Swayambu Shetty Vedadri for misappropriating temple funds, I am directed to return herewith the application of Sri Swayambu Shetty together with the enclosures received in original.

Yours faithfully,
Sd/- M. Swayambu Shetty
Madras 2nd Nov 1947

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43

If a Surveyor has not received information in this respect from the Lessee he must [illegible]

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refer to therein or to any
necessary action may be taken therein
in accordance with the provisions of
Section 13 of the Rating and Valuation
(Apportionment) Act 1933.

Yours
faithfully
[illegible]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No ~~L 10612~~ 10612

General and Revenue Secretariat

Dated Bangalore 6th Nov. 1947

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore
Revenue Department

To

The Deputy Commissioner,
Mandya District

Sir,

In continuation of this office D O letter No 65 dated 21st October 1947 requesting you to take action to prosecute Mr Srinivasa Setty and the Municipal Clerk Vedadri for temporary misappropriation of municipal moneys, I am directed to return herewith the application in original of the resignation tendered to the office of the Vice-President of Maddur Town Municipality by Mr M Srinivasa Setty referred to therein and to request that necessary action may be taken thereon in accordance with the provisions of Section 13 of the Mysore Town Municipalities Act 1933

I have the honour to be,

Sir,

Your most obedient servant,

Secretary to Government,
Revenue Department

9

47

No A5 356/47-8
Encls 2

Office of the Deputy Commissioner,
Mandya District,
Dated, Mandya, the 2nd December 47

From

K Mohamed Ahmed, Esq , B A ,
Deputy Commissioner,
Mandya District, Mandya

To

Syed Abdul Aleem, Esq , B A ,
Secretary to Government,
Revenue Department, Bangalore

Sir,

Re alleged mis-appropriation of Municipal funds by Mr M Sreenivasa Setty, Vice-President of Maddur Municipality

---

With reference to your D O letter No 65 dated 21-10-47 directing to take action to prosecute both - Mr Sreenivasa Setty and the clerk Vedadri, I have the honour to state that the District Superintendent of police, Mandya has reported that a case under sec 409 I P C has been registered against the above two persons in crime No 50/47-8 - Maddur taluk and that the police Inspector has been investigating the case and that he has also instructed the police Inspector to complete the investigation without any dealy and to submit a final report to the court In this connection an article appeared in the "Vartha" paper dated 14-11-47 under the caption "ಇದು ಸರಿಯೆ?" containing allegations against the Municipality connecil and some Government officers I am not aware of any resolution of the Municipal council, as alleged in the news item, nor is the question of taking action against the persons concerned delayed at any stage on account of ulterior motives as alleged

p t o

48

Just at the time, this letter was about to issue, the President, Municipal conncil, Maddur submitted a copy of the resolution signed by 10 Municipal councillors and tabled at the Special Meeting of the Municipal council held on 13-11-47 requesting that in view of the public service which is being rendered by Mr Srinivasashetty, Vice-President, the Government might be moved to reconsider their order directing prosecution and to sanction withdrawal of the case The Municipal council have resolved that this representation might be brought to the notice of the Deputy Commissioner An extract from the resolution is enclosed for favour of your reference and such orders as are deemed necessary in the matter

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner
Mandya District

"Spare copy"

vl/

49

Town Municipal Office
Huddur
date 13-11-1947

Special Meeting proceedings of Huddur Town Municipal Council for the Month of November 1947 held on 13th Nov 1947

ವಿಷಯ

ಮುನಿಸಿಪಾಲಟಿ ಬಾಬ್ತು ಹಣವನ್ನು ಸರಿ ಉಪಯೋಗ ಪಡಿಸಿರುತ್ತಾರೆಂದು ಬಂದಿರುವ ಆಕ್ಷೇಪಣೆ ಮೇರೆ ಸ್ಪೆಶಲ್ ಡಿಪಾರ್ಟಮೆಂಟಿನ ಮುಖಾಂತರ ಸ್ಪೆಷಲ್ ಆಡಿಟರ್ ಶ್ರೀಯುತ್ ಎಸ್ ವೆಂಕಟೇಶ್ವರು ಮತ್ತು ಮುನಿಸಿಪಲ್ ಮಾಜಿ ಮೆಂಬರ್ ವೇದಾದ್ರಿಯವರು ಇವರ ಮೇಲೆ ಕ್ರಿಮಿನಲ್ ಪ್ರಾಸಿಕ್ಯೂಷನ್ ಕೇಸಿದು ಕ್ರಮ ನಡೆಯಿಸಬೇಕೆಂದು ನಿರ್ಣಯಿಸುವ ಸಲ್ಲ ಮೆಂಬರ್ ಶ್ರೀ ಕೃಷ್ಣಯ್ಯರವರು ಹಾಜರಿಲ್ಲದ ಕಾರಣ ಅವರ ಮೇಲೆ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವ ವಿಚಾರ

ಓದಿ ಧೃಢಪಡಿಸಲಾಯ್ತು

೨. ಸಲ್ಲ ಮೆಂಬರ್ ಶ್ರೀ ಕೃಷ್ಣಯ್ಯನವರ ಮೇಲೆ ಕಾರ್ಯ ನಂಬರು ೪ 1961 ನೇ ಮಳ್ಳಂ ನವೆಂಬರ್ 4ನೇ ಮೇರೆಗೆ ಡಾ॥ ಶ್ರೀ॥ ಕೃಷ್ಣಪ್ಪನವರ ಅವರಿಂದ ಪಾರಿಗಾರ ನಂ A 5-356/47-48 ನವೆಂಬರ್ 10 ನೇ ಮಳ್ಳಂ ಮೇರೆ ಸ್ಪೆಶಲ್ ಪ್ರೀತಿಯಿಂ ಅಲರವರಿಂದ ತೆಗೆದುಕೊಂಡ ರಾಜಿನಾಮೆ ವಿಚಾರವನ್ನು ಇವತ್ತಿ ಮುನಿಸಿಪಲ್ ಕೌನ್ಸಿಲ್ ಸಭೆ ನೇ 13ನೇ ತಾರೀಖಿ ಮೇರೆ ಮುಂದಿನ ಕ್ರಮ ನಡೆಸುವ ವಿಚಾರ

ಇವತ್ತಿ ಮುನಿಸಿಪಲ್ ಸಭೆ ನೇ 13 ನೇ, ತಾರೀಖಿ ಮೇರೆ-ಮುಂದಿನ ಕ್ರಮ ನಡೆಯಿಸಿ ನಿರ್ಣಯಿಸಲು

ಸಮಸ್ಯೆ ಕ್ರಮ	ಶಿಕ್ಷಣಾಧಿಕಾರಿ
(1) ಮೋಹಮದ್ ಯಮೋವ್ ನಾಡೇ ಬರವಸೆ ಕೋಡಿಸಿ ಮೋತಿರುವ ಅಂದಾಳ ಎಸ್ಸಿ ಮೇಲೆ ವಾನೆ ಮೋಡುವ ವಿಚಾರ	ಅಂದಾಳ 195-8-0 ಮೋಬಲಗಿಗೆ ಮಂಜೂರು ಮೋಡಿ ಬಳ್ಳುದು
(2) ಮೋಲಿ ಬೀದಿಗೆ ಮೋತಿರುವ ಅಂದಾಳ ಎಸ್ಸಿ ಮೇಲೆ ವಾನೆ ಮೋಡುವ ವಿಚಾರ	ಅಂದಾಳ 451-8-0 ಮೋತಿರುವುದು ಚೀರಾಗಿಲ್ಲ petty Repairs ಮೇಲೆ ಮುಕ್ತಾಯ ಮೋಡಿ ಬಳ್ಳುದು
(3) ಕಾಲ್ಲೋಡು ಸೇಪೀಡು ಎದುರುರೋಡ್ ಅಂದಾಳ ವಾನೆ ಮೋಡುವ ವಿಚಾರ	ಅಂದಾಳ ೧೧-14-0 ಮೋಬಲಗಿಗೆ ಮಂಜೂರು ಮೋಡಿ ಬಳ್ಳುದು
(4) ಹಾಳೆ ಮೂಲಿ ಕೋಡಿ ಅಂದಾಳ ವಾನೆ ಕೋಡುವ ವಿಚಾರ	ಇದಕ್ಕೆ ಅಂದಾಳ ಚೀರಾಗಿಲ್ಲ ಕೂಡಿದ ಕೋಲಿಗಳ ಕಡೆಯಿಂದ ಕೆಲಸ ಮೋಡಿ ಬಳ್ಳುದು
೨) ಮು॥ರಾ॥ ಗುರುಸಾಂಕ ಪ್ರೌಢಶಾಲೆಯ ಹೆಸ್ಸಿ ಹತ್ತು ಬಡ ಮುನಿಸಿಪಲ್ ಕಾಸ್ಟೀಲರು ಶ್ರೇಷ್ಠಾನಿ ವಿಸ್ತಾರ್ಪಿಸಿಕೊಂಡರು ಶ್ರೇಷ್ಠನಿವಾಸಿಗಳು ಮೇಲೆ ಶಿವಸ್ವಾಮಿ ಪೌರ್ಕಾರ್ಮಿಕರು ಯುವರಿಂದ ಬಂದ ಅಲರು ಮೇಲೆ ಪ್ರಾಸಿಕ್ಯೂಷನ್ ಕ್ರಮ ವಹಿಯಿಸಿ ಬೇಕಾಗಿ ಕೂಟಂ ಬಂದಿರುವುದು ನಿರಿಯಲ್ಲಿ ಇವರು ಒಳ್ಳೆ ಕಾರ್ಯ ಮಾಡಿಕಾ ಯಾಗಳನ್ನು ಮೋತಿರುವುದರಿಂದ	ಒಂದು ರಾತ್ರಿಯೊಳಗೆ ಮೋಡಿಲ್ಲಾಯಿರು ಇದನ್ನು ಡಾ॥ ಹೆಸ್ಸಿಕೆ ಕೆಮೋಡಕ್ಕಸಂಗ ನಾಡೇ ಬರವಸೆ ಕೊಡಿಸಿ ಕಾರ್ಯಕ್ರಮಕ್ಕೆ ಶರಶಕ್ಕೆ ಹೊಂದಿ ಎಲ್ಲಾರೂ ವಿಷಿ ಕೋಮೋಡಿ

(Sd) P. Ramayya
president

(Sd) P Chennaiah
" [illegible]
" [illegible]
" [illegible]
" [illegible]
" P. Shivalingaiah
" K Yelamel Reddiar
" P Krishnaiah
" K P Ramanna Gowda
" K [illegible]
" [illegible]
" V.S. Rama Rao
" B N. Ramachandraiah
" [illegible]
" K [illegible]

True copy
Sd/-
President
Kolar Town Municipal Council
Kolar
dated 18-8-[illegible]

మందార్లు ఎవరి మునసబుల్ప్రె
సిడెంటరవళ ఆపీలనిసే

మద్దాలుటిక్ పొలసుబియు ఈ
కేళ్ళసి యుజు మాడిక కెళ్ళి పొలసుబానదళ్ళులలి
దుసిూండలరికే

కాలెజు నిం 1౧౪౧ రల్లి నవ్వు పొ
రసుబినిస్వ్రీ మూలు నీవేయు కిసిన్యా సుచివరు
దంవు మాడిసి పొలసుబియు కెలవ్రు లిఖిబద్రెగళన్నే
బరిశీలసి కెలవ్రున్యా నకే గళ్ళమోలి నవ్వు పొక
సుబెయు బిదా ద్యుషరాద శ్రీమూర్ ఎం శ్రీ
నివాసుశెట్టరమోలే ప్రో సుబ్యా షుప్రేమజిలు
నిసుయోకంతే కిసిన్యా సేప్రు లిఖియు వండబుంది
రక్కళ లిపిరన్నే నాళలుందకే కాం౧ ॥ ౧౪౧ రల్లి
స్టేషల్ మీటుంగినల్లి ఠారుర్ మాడలుబెచ్చిలు
ప్రేమునియంస్టే

ఈయిన్యే ఈ కిబారదల్లి నాప్రుగళు
కేళ్ళసి కండంతే నిణాయు మరాడి ఉదరంకేజిల్యా
షుణ మరాడబోసేంబుదాగి ఈూచిసుత్తేనే

pet no 34
47-48

నవ్వు పొలసు బూ ఎదా ద్యుషరాద
శ్రీమూర్ ఎం శ్రీ నివాసుశెట్టరు ఇుంగినల్లి
ప్రేముఖమను ష్యూరాగి నుదా బావచిసిరంగా

Received at the time of meeting
13/11/47

ನಿಕಟ್ಟಾಲವನ್ನು ಕಳ್ಳಯಿಟ್ಟಿರುತ್ತಾರೆ ಮತ್ತು ಈ ಊರಿನ
ಮುಂದುವರೆಸಿಕೊಂಡಾಗಣಾರಾಧಿರುತ್ತಾರೆ ಈಗ ಇವರೆಲ್ಲಿ
ಬಂದಿರುವ ಅಪವಾದಕ್ಕೆ ಇವರು ಕಾರಣರಲ್ಲ ಮತ್ತು ಉದ್ದೇ
ಶಪೂರ್ವಕವಾಗಿ ನಡೆದಿರುವುದಿಲ್ಲಾ ಕಾರಣಾಂತರದಿಂದ ಇದು
ಸಂಭವಿಸಿದ್ದು ಇದರಿಂದ ನಾವುಗಳು ಇವರಮೇಲೆ
ಪ್ರೀತಿಪೂರ್ವಕ ಪ್ರಸನ್ನತೆಯನ್ನು ವಾಪಸ್ ಕೊಡಿಸಬೇಕೆಂದು ಕೈ ಜೋಡಿಸಿ
ಪೂರ್ವಕವಾಗಿ ಪ್ರಾರ್ಥಿಸುತ್ತೇವೆ

ಇಂತಿ ವಿಧೇಯರು

ಬಿ ಎನ್ ರಾಮಚಂದ್ರಯ್ಯ
B N Ramachandraiah

ಕೆ ಎಸ್ ಸುಬ್ಬಣ್ಣ
K S Subbanna

ವಿ ಎಸ್ ರಾವ್
V S Rao

ಎಂ ಎಚ್ ಥಾಮೂ ಶೆಟ್ಟಿ
M H Thammu Shetty

ಪಿ ಕೆ ಎಂ ಹನ್ನಯ್ಯ
P Kmhnaiah

ಎಂ ಸಿದ್ದಯ್ಯ
M Siddaiah

ಎಂ ಎಸ್ ಶಿವಪ್ಪ
M S Shivappa

ದಿನಾಂಕ 12 11 1947

OFFICE OF THE DEPUTY COMMISS
Vr. No. 8918
25 NOV 1947
MANDYA DISTRICT

Submitted to the Deputy Commissioner
Mandya District Mandya for favour of
kind perusal along with the copy of the
Resolutions passed at the Municipal council
meeting held on 13/11/47

President

Dated 24/11/47

mb 125-47-1 55

No 5-356/47-48
Encls two

Office of the Deputy Commissioner,
Mandya district
Mandya, dated 15th January 1948

From

M Mohamed Ahmed, Esq, B A,
Deputy Commissioner,
Mandya district, Mandya

To

Syed Abdul Aleem, Esq, B A,
Secretary to Government,
Revenue Department,
Bangalore

Sir,

Re Alleged misappropriation of Municipal funds by Mr H Srinivasa Setty, Vice-President of Maddur - Municipality

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In continuation of this office letter of even No dated 2-12-1947, on the above subject, I have the honour to enclose herein the applications presented by Mr Srinivasa Setty and seven of the Municipal Councillors of Maddur Town Municipal Council, requesting that, in the special circumstances explained therein, the prosecution proceedings against Mr Srinivasa Setty, may be dropped, for consideration of Government I have already furnished my opinion with regard to this case in my letter of even No dated 1-10-1947

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Mandya district

To

The Deputy Commissioner,
Mandya District,
Mandya

Sir,

I beg to state that I have been the Municipal Councillor of the Maddur Town Municipality for the past 16 years and also occupied the Vice President's chair for the past 5-6 years Throughout my career I have been serving the public in different capacities to my maximum ability

During last August when I was at Mandya attending some meeting, some of the self-interested people who were inimical towards me took advantage of the situation and managed to influence the then Revenue Minister who paid a surprise visit to the Municipal offices and checked some of the accounts in my absence In the course of his inspection he observed some irregularities in the method of remittance to the Treasury and upon which he ordered for prosecution alleging that I had temporarily misappropriated the Municipal funds I assert that there was no intentional delay in sending the remittance on a later date, but to oblige certain decent people of the town I had passed some receipts for which I had not yet received the amount The non-receipt of such amounts was the main reason, for my not remitting the amount, the very same day, the receipt was written up

I had also represented to the Dewan Saheb to order for the withdrawal of prosecution case against me under the plain circumstances explained in my representation He had definitely assured me that he would order for withdrawal at an early date But still the prosecution proceedings are going on as usual

I therefore appeal to you Sir to be so good as to recommend favourably to the Government for passing an early order of withdrawal for which I shall remain grateful to you

Maddur
Date 10-1-48

I remain, Sir,
Yours obediently,
M Sreenivasa Rao

To

pet 2551

The Deputy Commissioner
Mandya District,
Mandya

Sir,

We the undersigned Municipal Councillors of Maddur Town Municipality beg to bring to your kind notice the following few facts and request for an early favourable action thereon:

Due to some bad circumstances an allegation was raised against our Vice President Mr M Sreenivasa Setty some time back and the Government ordered to proceed prosecution against the said gentleman on the allegation that he misappropriated some amounts of the Municipality In this connection we wish to make it clear that our Vice President had not remitted the amounts to the Treasury due to some local reasons and he remitted the same on a later date By this action of his we cannot conclude that it was his intentional delay in remittance but we assert the delay was purely a circumstantial one for which no motive could be attached Under the circumstances it is not desirable to persist prosecution against the gentleman, taking into consideration that he has rendered remarkable service to the Municipality and we will not be at fault if we say that he was mainly responsible to improve the annual Octroi income of the Municipality from Rs 2 500/- to a good figure of Rs 12,000/- He has helped for the development of the town in several respects for which we are all grateful to him So we had requested the President of the Municipality in writing to resolve at the Municipal council requesting the Deputy Commissioner to recommend for the withdrawal of the prosecution proceedings But in the meeting held on 13-10-1947 no resolution was passed at the Council, but it was simply recorded therein to bring this matter to the notice

P T O

of the Deputy Commissioner Even this matter was not promptly reported to your Hon'ble office and we came to know that the same was brought to your notice very lately We wish to represent in person the exact reason with which they delayed the matter to bring to your kind notice

As our request to order for the withdrawal of proceedings against the gentleman is not yet passed and as the usual prosecution is being continued we once again appeal to you Sir to be so good as to recommend strongly for the withdrawal of prosecution and thus further harassment may kindly be averted to the gentleman

We remain,
Sir,
Yours faithfully,

Maddur,
Date: 10-1-1948

B N Ramachandraiah
12/1/48

To

The Secretary to Government of Mysore,
Revenue Department
Public Offices,
Bangalore

4039
13 JAN 1948
LSG BRANCH

Sir,

I the undersigned beg to state that I have been the Municipal Councillor of the Maddur Town Municipality for the past 16 years and besides for the last 5-6 years I had been the Vice President of the same In addition to my connection with the Municipality I have been the President and Vice President of several public Institutions and thus from my very boyhood itself I have been interesting myself in the public service in one capacity or the other It is my inBorn aptitude to continue in the same line as was before and thus to render my humble services to the public at large

During the month of August last when I was out of station the Hon'ble Revenue Minister paid a casual visit being influenced by certain self-interested persons who are not well disposed of towards me and he inspected the accounts After finding some discrepancies in the accounts the Hon'ble Minister was pleased to order for prosecution, upon which I submitted my humble representations both to the Deputy Commissioner Mandya and to the Dewan Saheb and requested for the withdrawal of the prosecution proceedings against me The Dewan Saheb was pleased to assure me that he would order for the withdrawal, but till now the order has not been passed and consequently the prosecution proceedings are going on as usual

I therefore humbly pray for passing a favourable early order after perusing the connected records

Maddur
Date: 10-1-1948

Yours most obediently,
M Sreenivasa Setty

60

4039/adm

The file has been submitted for orders
on 6/12 vide D no 2950 — Nil 23/12

Other papers are submitted

Addl Jt Secy Continuation

Nil
16/1/48
Dy Secy

Please keep me apprised of the steps
in this case vide reference to the above &
put this up with the letter from the DC
mentioning DSW on the subject today

Sd
18/1/48

23/12
Nil

C No
Ref on Pet No } 19 —19
App No

Dis No

Enclosure Dated
Approved on
Copied on by
Examined on by
Signed on Despatched on
Entered in—
Current } Register on
Petition
Appeal } By
Periodical
Reminded on

WD 0639—GPB—75 000—15 6 45

DRAFT

L 13629/ ML 125-47-2

19/2/48

To

The Deputy Commissioner
Mandya District,
Mandya

Docket Abstract

Alleged misappropriation of Municipal funds by the former Vice-President of the Maddur Municipality

With reference to ~~your~~ the Correspondence ending with your letter No A5 356/47-48 dated 15-1-48 on the above subject, I am directed to state that the prosecution launched in the matter may be proceeded with. The proposals made in the two cases may be effected provisionally.

I have &c.,

Asst Secy to Govt.

Dr
13-2-48

71

62

F No 46]

No 584/47-48
Encls

GOVERNMENT OF MYSORE

OFFICE OF the I Class Magistrate,

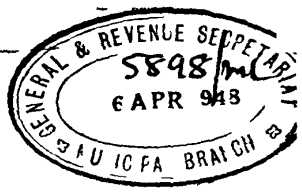
Mandya

71 To

Date 20-3-48

The District Magistrate,

Mandya District, Mandya



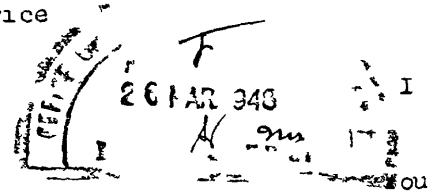
Sir

5/4

Re C.C.No. of 47-48 on the file of this Court

--o--

I have the honour to submit herewith summonses for causing the production of certain records from the Revenue Secretary to Government of Mysore, Bangalore for favour of forwarding the same to the Revenue Secretary to Government of Mysore, Bangalore for favour of causing service



I have the honour to be,

Sir,

Your most obedient servant,

Cl/7634

First Class Magistrate,

Mandya

HCN/-

Hg 19/4/48 Hg 12-4-48 C C 63/47-48 63

ಸಾಕ್ಷಿಗಾರರ ನಮೂನೆ
ಕ್ರಿ ಪ್ರೋ ಕೋಡ
68 ಮತ್ತು ೨೨ನೇ ಪೆಕ್ಷಕಗಳು
ನಮೂನೆ ನಂಬರು 6 ಕ್ರಿಮಿನಲ್

Govt vs M Srinivasaiah

To the Revenue Secretary to the
Govt of Mysore, Bangalore

G. 109 of 1149pc

ತಕ್ಕೀರು ನಡೆಸಿದ್ದಕ್ಕಾಗಿ (ಅಥವಾ ನಡೆಸುವುದಾಗಿಗುಮಾನಿಪಟ್ಟು) ನಮ್ಮ ಮುಂದೆ ಫಿರ್ಯಾದು ಮಾಡಲ್ಪಟ್ಟು ನೀವು ಫಿರ್ಯಾದಿ/ಅಪರಾಧಿ ತರಫಿನಲ್ಲಿ ಮುಖ್ಯವಾದ ಸಾಕ್ಷ್ಯ ಕೊಡುವಿರಿ ಎಂತ ಕಂಡುಬಂದದ್ದರಿಂದ

ಸದರಿ ಫಿರ್ಯಾದು ಸಂಗತಿ ಕುರಿತು ನಿಮಗೆ ತಿಳಿದಂಥಾದ್ದನ್ನ ಸಾಕ್ಷ್ಯವಾಗಿ ಹೇಳುವದಕ್ಕೆ ಈ ಕೋರ್ಟು ಮುಂದೆ ನೆಯ ತಾರೀಖಿನ ಪೂರ್ವಾಹ್ನ ಗಂಟೆಗ ಮೆದ್ದು ಹಾಜರಾಗಲಿಕ್ಕೂ ಮತ್ತು ಹಾಲಿ ನಿಮ್ಮ ಸ್ವಾಧೀನದಲ್ಲಿರುವ ಈ ಕೆಳಗೆ ಕಂಡ ದಾಖಲಾತಿಯನ್ನು ನಿಮ್ಮ ಸಂಗಡ ತರುವುದಕ್ಕೂ ಮತ್ತು ಕೋರ್ಟಿನವರ ಅನುಮತಿ ಶಿವಾಯಿ ಹೊರಟು ಹೋಗದಹಾಗು ನಮಗೆ ಇದರ ಮೂಲಕ ನರ್ಮ ಕೊಡೋಣಾಗಿರುತ್ತದೆ ಮತ್ತು ನ್ಯಾಯವಾದ ಸಬಬು ಶಿವಾಯಿ ಸದರಿ ತಾರೀಖಿನಲ್ಲಿ ಹಾಜರಾಗಲಿಕ್ಕೆ ನಿರ್ಲಕ್ಷಿಸಿದರೂ ಅಥವಾ ಅಶ್ರದ್ಧೆ ಮಾಡಿದರೂ ಮತ್ತು ಮೇಲ್ಕಂಡ ತಾರೀಖಿನ ದಿವಸ ಮೇಲೆ ನಮೂದಾದ ದಾಖಲಾತಿಗಳನ್ನು ಹಾಜರ್ಮಾಡಲು ತಪ್ಪಿದರೂ ನಿಮ್ಮನ್ನು ಹಾಜರ್ಪಡಿಸಿಕೊಳ್ಳಲಿಕ್ಕೆ ಒಂದು ವಾರಂಟು ಕೊಡೋಣಾವೀತೆಂದು ಇದರ ಮೂಲಕ ಎಚ್ಚರಿಸೋಣಾಗುತ್ತದೆ

ಅಥವಾ

ಹ್ಯಾ ನಿಮ್ಮ ಸ್ವಾಧೀನದಲ್ಲಿರುವ ಈ ಕೆಳಗೆ ನಮೂದುಮಾಡಿರುವ ದಾಖಲಾತಿಗಳನ್ನು ಈ ಕೋರ್ಟು ಮುಂದೆ 19-4-48 ನೆಯ ತಾರೀಖಿನ ಪೂರ್ವಾಹ್ನ 11 ಗಂಟೆಗೆ ನೀವು ಹಾಜರ್ಮಾಡದೇಕೆಂತಲೂ ಅಥವಾ ಸದರಿ ದಾಖಲಾತಿಗಳನ್ನು ಹಾಜರ್ಪಡಿಸುವಂತೆ ಮಾಡಬೇಕೆಂತಲೂ ನಿಮಗೆ ಇದರ ಮೂಲಕ ನರ್ಮ ಕೊಡೋಣಾಗಿರುತ್ತದೆ ನೀವು ಮೇಲ್ಕಂಡ ದಾಖಲಾತಿಗಳನ್ನು ಸದರಿ ತಾರೀಖಿನ ದಿನ ನ್ಯಾಯವಾದ ಸಬಬು ಶಿವಾಯಿ ಹಾಜರ್ಮಾಡಲು ಯಾ ಹಾಜರ್ಪಡಿಸಲು ಅಶ್ರದ್ಧೆ ಮಾಡಿದರೂ ಯಾ ನಿರಾಕರಿಸಿದರೂ ಅಥವಾ ಸದರಿ ದಾಖಲಾತಿಗಳನ್ನು ಹಾಜರ್ಪಡಿಸಲು ಆಗದಿದ್ದಕ್ಕಾಗಿ ಕೋರ್ಟಿನವರಿಗೆ ತೃಪ್ತಿಕರವಾದ ಕಾರಣವನ್ನು ತೋರಿಸದಿದ್ದರೂ ನಿಮ್ಮಿಂದ ಸದರಿ ದಾಖಲಾತಿಗಳನ್ನು ಹಾಜರ್ಪಡಿಸಿಕೊಳ್ಳಲಿಕ್ಕೆ ಒಂದು ವಾರಂಟು ಕೊಡೋಣಾದೀತೆಂತ ಇದರ ಮೂಲಕ ಎಚ್ಚರಿಸೋಣಾಗುತ್ತದೆ noted over leaf

ತಾರೀಖು 25 ನೆಯ ಮಾಹೆ 3 1948 ರಲ್ಲು ನಮ್ಮ ದಸ್ಕತ್ತು ಮತ್ತು ಕೋರ್ಟ್ ಮೊಹರ್ನಿಶಿ ಕೊಡಲ್ಪಟ್ಟಿದೆ

PR 1180
1-47 (ಮೊಹರ್)

C Phadke Nair
ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್

[P T O

25/3

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ನೋಟ್—(1) ನಿಮ್ಮ ಸಾಕ್ಷ್ಯತ್ವ ಬೇಕಿಲ್ಲದೆ ಒಂದು ದಾಖಲಾತಿಯನ್ನು ಹಾಜರ್ಮಾಡಲಕ್ಕೆ ಮಾತ್ರ ಸಮನ್ ಮಾಡಿದ್ದಲ್ಲಿ ಸದರಿ ದಾಖಲಾತಿಯನ್ನು ನೀವು ಕೋರ್ಟು ಮುಂದೆ ಮೇಲ್ಕಂಡ ದಿನ ಮತ್ತು ಸದರಿ ಗಂಟೆಗೆ ಹಾಜರ್ಪಡಿಸಿದಲ್ಲಿ ನೀವು ಸಮನ್ ಪ್ರಕಾರ ನಡೆದುಕೊಂಡಂತೆ ಭಾವಿಸಲಾದೀತು

(2) ಕಾನೂನು ಪ್ರಕಾರ ಭತ್ಯವು ಪಾವತಿ ಮಾಡಲ್ಪಡುತ್ತದೆ

N B —ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಹೊರಗೆ ವಾಸಿಸುವ ಸಾಕ್ಷಿಗೆ ಈ ನಮೂನೆಯನ್ನು ಉಪಯೋಗಿಸಿದ್ದಲ್ಲಿ ಸಮನ್ ಪ್ರಕಾರ ನಡೆಯದೆ ತಪ್ಪಿದರೆ ವಾರಂಟು ಹೊರ್ಟುವುದಾಗಿರತಕ್ಕ ಭಾಗವನ್ನು ಹೊಡೆದು ಹಾಕಿ ಜಾರಿಗೆ ಕಳುಹಿಸಬೇಕು —

*ಮೇಲ್ಕಂಡ ನೋಟೀಸನು ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಹೊರಗಿನಿಂದ ಬರತಕ್ಕ ಸಾಕ್ಷಿಗಾರರ ಸಮನ್ನಲ್ಲಿ ಮಾತ್ರ ಉಪಯೋಗಿಸಬೇಕು

To Cause the production of the Original, audit Report of Mr Britto in the Case (2) the Explanation of the two accused to the charges framed against them (3) the two applications given by the Accused No 1 Seeking permission to pay up the misappropriated money.

WD 0602—GPB—40 000—15 8-16

71
68

+v Commissioner,

No JI PR 785/48 — Office of the District Magistrate
Enc Summons 65
Mandya dt 31/3/48

To The Revenue Secretary
to Government of Mysore
Bangalore

Sir, I have the honour to enclose herewith the Summons for causing the production of certain records before the Court of the District Magistrate's Court Mandya received from the Court of Magistrate for favour of service and return

I have the honour to be
your most obedient servant
S Devaraj 31/3
for District Magistrate
Mandya.
31/3

WD 0 602—GPB—40 000—15 8-16

Regd Post No 1 15743
Encls five (8 pages)
9 4 08

To

The First class Magistrate
Mandya

—

Re c c 63/07-08 on the file of the Town Court

—

Sir,

With Reference to your letter no 584/07-08 dt 23 4 08 on the above subject I am directed to forward herewith the explanations of the two accused to the charges framed against them and the two explanations given by the first accused offering to pay up the misappropria

67

-ted money the Secy, Efficiency
audit Branch, has been Requested
to send direct to you the
Original audit Report of the Bank,
which is not available in the Court
The duplicate copy of the summons is returned
after noting endt of same & have also

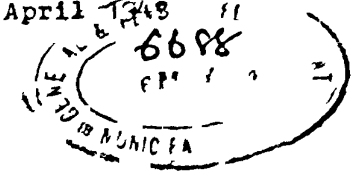
For 9/4/48
Secy to Govt
for Min Rev Deptt
9/4

Revenue L 157 44 9 4 48

Copy sent to the Secy, Efficiency
Audit Branch for information. The
Original audit Report of the Bank
may be sent ~~direct to the Magistrate~~
~~the Court direct~~
which is Required to be produced before
the Court

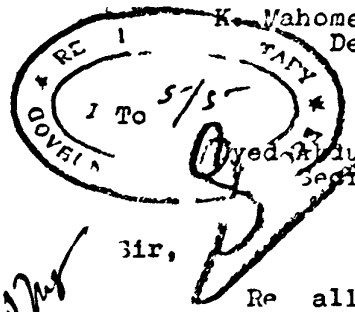
R.O.
For 9/4/48
Min Rev Secy
9/4

A5- 356/47-48 Office of the Deputy Commissioner,
Mandya District,
Encl: One Mandya, dated, 30th April 1948



From

K. Mahomed Ahmed, Esqr , B A ,
Deputy Commissioner,
Mandya District, Mandya



To

Syed Abdul Aleem, Esqr , B A ,
Secretary to Government,
Revenue Department, Bangalore

Sir,

Re alleged mis-appropriation of Municipal funds by the former Vice-President of Maddur Town unicipality

---

With reference to your letter No L 13629/LL 125-47-2 dated 19-2-48 on the above subject, I have the honour to enclose herein a copy of letter No I C 503/47 dated 20-4-48 from the District Superintendent of Police, Mandya reporting the progress made in the case

I have the honour to be
Sir,
Your most obedient servant,

Gss/-

Deputy Commissioner,
Mandya District

Letter No 503/47 dated 20-4-48 from the District Superintendent of Police, Mandya to the Deputy Commissioner, Mandya District

-- --

Subject - Misappropriation of Municipal funds by the Ex Vice President of Maddur town Municipality- Maddur Station Crime No 50/47 u/s 409-109 I P C Govt Vs Srinivasa Setty and Vedadri

--- ---

With reference to your No A5-356/47-48 dated 4-3-48 on the above subject, directing me to report the progress made in the case etc , I have the honour to state as follows -

This case was placed in the court of the Special I class Magistrate, Mandya and the case is being tried in C C 63/47-48

On 16-3-48 one Lingapp , who had paid Rs 500/- to the 1st accused for a site was partly examined and the case was adjourned to 25-3-48 for the examination of the Manager, Bank of Mysore As he had not been summoned to come with the original cheque he was not examined Hence the case was adjourned to 12-4-48 and the court sat for four days continuously Three prosecution witnesses were examined on 12-4-48, one P W Subbanna, a clerk in the Treasury was examined on 13-4-48 On 14-4-48 five P Ws viz , Sivaswamy, Shamshuddin, Chardamma Lingamma and Puttamma were examined Shamshuddin, a Bill Collector helped the defence by deposing that the 1st accused showed him a receipt book containing foils and counterfoils regarding sites and asked him to remind buyers to pay up the amount Out of the three women in their X-examination, one admitted that one Shivalingappa had sent for them and asked them to depose that all of them went the very day to pay, took back receipts and got documents and contradicted eachother regarding the time and place and circumstances On 15-4-48 six prosecution witness were examined of which one Venkataramma Setty was treated as hostile and X-examined One Narasimha Setty was supperting the theory of defence and stated that the accused used to grant receipts -in advance and money taken as it come After examining - Mr G K Verkanniah, the Investigating Officer and the Amildar, Maddur Taluk the case was adjourned to 27th and 28-4-48 The Prosecuting Police Inspector has reported that some of the P Ws whose evidence was material were examined in his absence when he had attended the court of the District Magistrate and could not obtain an adjournment for even half-an-hour even after he had made representation in both the courts The Prosecuting Police - Inspector and the Police Inspector of Maddur taluk have been specially instructed through memos to take as much pains as the seriousness of the case deserved and that if the special I class Magistrate does not accommodate him and tries to impose unnecessary hindrance in the examination of Prosecution witnesses(material) in their own order by the Prosecution, he should file an affidavit for transfer if he feels an apprehension that there has been an injudicious interference by the court in securing a fair trial for the Crown Further details will be reported after the next date of hearing

Copy

S Anderson 11/5

For Deputy Commissioner,
Mandya District

AS 356/47-48

Office of the Dist Commissioner,
Mandya District,
Mandya, dated, 16th August 1948

To,
The D C Mandya District [18121 70
2.6.48
Subject - Alleged misappropriation of Municipal Funds by the former Vice-President, Sri N Srinivasaiah, of Maddur Town Municipality

Sir,

I am directed to refer to your letter No AS-356/47-48 dated 30th April 1948 on the above subject and to request ~~you that the Govt may kindly be informed of the~~ information regarding the further progress made in ~~this direction early~~ the case. Inform ~~you~~ accordingly.

Yours etc,
for Officer
Secy to Govt
Rev
21.6.48

No A5 356/47-48

Office of the Deputy Commissioner,
Mandya District,
Mandya, dated, 16th August 1 9 4 8

From

Janab P Mohamed Ahmed B A ,
Deputy Commissioner,
Mandya District,
M a n d y a

To 23/8

Janab Syed Abdul Aleem, B A ,
Secretary to Government,
Revenue Department,
B a n g a l o r e

Sir,

Regarding alleged Misappropriation of Municipal Funds by the former Vice-President of Maddur Town Municipal Council

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With reference to your letter No L 18121 dated 24-6-48 on the above subject, I have the honour to enclose herein a copy of the letter No I C 503/47 dated 7-8-48 from the District Superintendent of Police, Mandya, reporting that both the accused in the case were charged by the First Class Magistrate, Mandya under Section 409 I P C for favour of your reference Further progress will be reported in due course

I have the honour to be
Sir,
Your most obedient servant,

Deputy Commissioner,
Mandya District

Letter No I C 503/47 dated 7th August 1948 from the District Superintendent of Police, Mandya District, to the Deputy Commissioner, Mandya District, Mandya

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Misappropriation case--Maddur Sth Cr No 50/47 under Section 409 I P C ----Maddur Town Municipalit Government Vs Sri Srinivasa Setty, Ex Vice-President

---

In continuation of this office even No dated 4-8-1948 on the subject referred to above I have the honour to state that both the accused were charged first accused under section 409 I P C for Rs 2,600/- and the second accused Vedadri for Rs 63/- on 5-8-48 and plea of not guilty by both the accused was recorded The case was posted to 9-8-48 to file a list of Prosecution witnesses required for further Cross-examination Further progress will follow

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'Copy'

For Deputy Commissioner Mandya
District Superintendent

...of the Letter No I C 503/47 dated 28th August 1948, ... Police Mandya to the Deputy

M 125-47-3 73

No AS 356/47-48
Encls: 1

Office of the Deputy Commissioner,
Mandya District, Mandya,
dated 8th September 1948

From

Janab K Mohmed Ahmed, B A ,
Deputy Commissioner,
Mandya District, Mandya

GENERAL & REVENUE SECRETARIAT 2149 14 SEP 1948 & MUNICIPAL BRANCH

To

Janab Syed Abdul Aleem, B A ,
Secretary to Government,
Revenue Department,
Bangalore

11/9/48

Sir,

Re Alleged misappropriation of Municipal Funds by the former Vice-President of Maddur Town Municipal Council:

In continuation of this office letter of even No dated 19-8-48 on the above subject, I have the honour to enclose herein a copy of letter No I C 503/47 dated 28-8-48 from the District Superintendent of Police, Mandya reporting the further progress

p t o

14

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rase in the above case for favour of r fer ace

I have th h our to b ,
Sir,
your ost obedi t serv t,

Copy of the Letter No I C 503/47 dated 28th August 1948, from the District Superintendent of Police, Mandya to the Deputy Commissioner, Mandya District, Mandya:

Sub: Alleged misappropriation of Municipal funds by the Ex-Vice-President of Maddur Town Municipal Council - Maddur Station Crime No 50/47-48 under section 409 I P C Govt - -VS- Sri Srinivasa Setty & Vedadri

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In continuation of this office even No dated 14-8-48 on the above subject, I have the honour t state that on 24-8-48 12 prosecution witnesses were present and as the first accused was absent and had sent a medical certificate, the case was not taken up on that date On 25-8-48, though th 1st accused Sri Srinivasa Setty was absent, a vakalat for him was obtained and the trial proceeded with further cross-examination of Mr Britton, Sri Rangappa, Sri Lakshmana Rao, Shamsuddin and Y R Revanna It is reported that during the further cross-examination of the second clerk of the Municipal Office, Revanna, he gave answers adverse to the prosecution and favourable to the accused In the re-examination, this witness was declared hostile and permission was sought to cross-examine, and that after arguments, the Court permitted him to be cross-examined It is also reported that one of the Counsels Sri Ananthashankarappa, moved for a short adjournment to consult his client and proceed further in the light of the ruling given by the learned Magistrate and decide if he would give up certain prosecution witnesses required for further cross-examination, and as the Prosecutor opposed this representation saying that is is an harassment to the Prosecution witnesses who were all present and who had to come again unnecessarily Whereupon the Counsel expressed that he would take a ruling in revision in the higher Court on this point The case was then posted to 27-8-48 on which date Sri M I Ananthasankarappa, one of the Counsels, retired from the case and that the accused wanted time to engage a fresh Counsel, while the other Counsel Sri S R Haveedrachar wanted the remaining prosecution witnesses to be summoned for further cross-examination Hence,

p t o

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THE MYSORE LOCAL SELF-GOVT
No 370
Date 29/11

4092

ML 125-47-4

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, B A N G A L O R E

Petition No /48-49

30/11/48

Petitioner - M Sreenivasa Setty, Municipal Councillor and Land holder, Maddur Town

The petitioner named above most humbly beg to prefer the following few lines to the benign consideration of the Government

That the petitioner is now aged 36 years old and he has been in the active public life for the past 14 years He has served in various capacities by becoming member in several Committees and Institutions, viz ,

Municipal Council	14 years	as Councillor
District Scholarship committee	6 years	as Member
Taluk Scholarship committee	9 years	as "
Land Mortgage Bank	9 years	as Director
K R S Working Health Committee	2½ years	as Member
Mandya District, Banajiga Sangha	2 years	as President,
Maddur Municipal High School Managing committee	2 years	as a Member

Besides, the petitioner was the Vice President of the Maddur Town Municipal Council, for a period of 6 years Now for the past 2 years he has been the Chairman of the Taluk Scholarship Committee, Maddur

Due to the active co-operation of this petitioner, an appreciable sum has been collected in the form of donation both to the High School Building Fund and the Combined Dispensary Building Fund

The petitioner humbly submits that he has evinced keen interest in public service by co-operating with

P T O

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the Government and he is very eager to continue his service both to the public and the present Government in several capacities

During the time when this petitioner was the Vice President of the Maddur Town Municipality, he has discharged his duties quite appreciably and improved the income of the Municipality from Rs 4,000/- to Rs 12,000/- per year, which fact he is proud to mention at this juncture

Due to some misfortune, of this petitioner, there was a criminal case No 63/47-48 launched against this petitioner on the file of the First Class Magistrate, Mandya, for a charge of Temporary misappropriation, which is still continuing on the file of the Special First Class Magistrate, Mandya The amount has already been made good If the case is still allowed to continue, this petitioner will have to undergo lot of hardship and it will be a death blow on his young career, who intends to serve both the Government and public in various spheres He had deposited the amount well in time before the launching of the case against him On a former occasion, he had collected nearly Rs 30,000/- as realisation in the auction of ~~xxxx~~ sites and promptly credited the amount into the Treasury, But, in the present ~~circumstance~~ instance he had no intention to misappropriate the amount, but he had allowed some time to realise the sums from the concerned parties If this has been seriously viewed, he feels much for his lapses and he requests that his action may kindly be pardoned

The petitioner therefore prays that the Benigh Government may view his case generously and he may be excused for this time and necessary direction made in this behalf to withdraw the case launched against him

And thereby he may be allowed to continue his public service as ~~xxx~~ before and he assures hereby that he will faithfully render his humble services to the present Government also ~~xxxxxxxxx~~

Bangalore,
Date 18-11-1948

Ever remaining,
Your humble petitioner,

M Sreenivasa Reddy
Petitioner

5 copies

G I S App I G 3
GENERAL AND REVENUE
SECRETARIAT

(Continuation sheet draft form)

No L 10156/mk 125-47-5
dt 9 3 49

To

The Dy Commr and Dist Magistrate, Mangalore District

Withdrawal of the Criminal Case filed against Sri M Srinivasa Setty, Land Holder & Ex-officio President Maddur Town Board

Sir,

With Ref to the Correspondence ended with your letter no A 5 356/47-48 dated 8 9 48 on the above subject, I am directed to state that Govt, after reviewing the whole case and having perused the facts of the case have directed the withdrawal of CC 63/47-48 on the file of the First class Magistrate, Mangalore against him of Sri M Srinivasa Setty.

the whole case and having regard to the long record of public service of Sri M Srinivasa Setty,

WD 6868—GPI—3 000—9 8 47

The D S P, Nawada Dt may be instructed to take action immediately on this behalf

Yours faithfully

J Sen

Sd/-

Home Secy

Memo No 10157 93 49

Copy forwarded to the D S P Nawada for information

J Sen

Home Secy

Sd/-

By order

Copy to Law Branch and Home Department

Sen

Secy

Notes ——————— 29 Pages

Correspondence — 81 Pages

~~110~~